

LIFE AND DEATH AS BLESSING: BIOETHICS IN THE CONTEXT  
OF TECHNOLOGY AND AUTONOMY, CONSTRUED  
PHILOSOPHICALLY IN HANS JONAS AND  
THEOLOGICALLY IN MARTIN LUTHER

By

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Thesis

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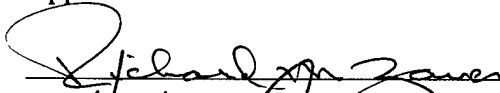
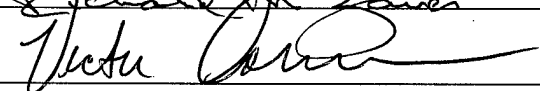
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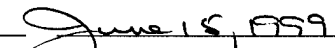
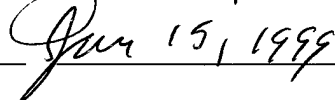
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To those  
who protect and nurture  
the gift of human life

**"I kill and I make alive."  
Deut. 32:39 NKJV**

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## CHAPTER I

### INTRODUCTION: BIOETHICS, LIFE, AND DEATH

Bioethics is ethics applied to the field of the bios, of life. As such, bioethics addresses morally relevant human actions and related moral judgments which obtain *throughout* the phenomenon of human life. That said, the discipline of bioethics faces its greatest challenges today as it attempts to bring moral discernment and direction to thorny questions which obtain at both the generation and the duration *ends* of life.

For example, on the generation end of life, is it commendable for a woman to abort her unborn baby boy if she and her husband really want a girl? Is it morally virtuous to utilize genetic screening together with in vitro fertilization/embryo transfer (IVF/ET) technology if, as a result of the National Institutes of Health's Human Genome Project, we can ensure superior human intelligence, or stronger and more healthy bodies? Would it be commendable for a woman to clone her dying husband so that she might have a living remembrance of him after his death, and be able to "continue" to show him love and care?

On the duration end of life, is it commendable to euthanize a sixty year old man suffering terribly and diagnosed with terminal bone cancer? Would it be morally virtuous for parents to utilize germ cell therapy to ensure that their descendants would have aggressive and engaging personalities, to facilitate their future success in business? If scientists were to discover a set of medical procedures that could keep the human body alive for 140 years, or even indefinitely, should the elderly be encouraged to undergo such procedures?

And to each of the above scenarios we must append three more questions: (1) If this

action is commendable, why is it commendable? (2) If not, why not? (3) What is going on in this case that makes ethical discernment and resolution so difficult?

Why *are* today's questions of bioethics so difficult as they cluster around the two ends of life — its generation and duration? Why is clarity so elusive? We begin to understand the fog of modern bioethics when we consider the two forces which have come together in our day and clouded our vision. Meteorological fog forms near the earth's surface when two forces — warm air and cooler air — collide with water vapor suspended in between. This creates fog, which reduces visibility. Bioethical fog has formed in our day because two forces have collided, with humanity suspended in between. These two forces are the forces of technology and autonomy.

In chapter two, we begin by examining these forces — first technology and then autonomy — as they have come to exert themselves in the world of bioethics. Then we revisit the problem of the fog of bioethics. Finally we set forth the thesis that the concepts of life-as-blessing and death-as-blessing, taken together, resist the dehumanization operative within the forces of technology and autonomy, and provide a bioethical perspective which takes seriously the fullness of the human condition.

In chapters three and four, we apply this thesis by engaging alternative formulations and conceptions of life- and death-as-blessing. We examine two formulations — one philosophical, the other theological.

In chapter three we present a philosophical construal in the thought of Hans Jonas (1903-1993), the profound Jewish philosopher. For Jonas, human existence and value are grounded in evolutionary and biological processes. Based on this ethical foundation, Jonas has written extensively on the philosophy of biology and the force of modern technology.



Our investigation of Jonas focuses on his concept of mortality, which he describes as both burden and blessing.

In chapter four we present a theological construal in the work of Martin Luther (1483-1546), the towering theologian, churchman, and reformer of the western Christian tradition. For Luther, human existence and value are grounded in God himself, who has made life to triumph over death through his Son Jesus Christ. Our investigation of Luther focuses on Luther's concept of life as intrinsic good, death as curse, and Christian death as instrumental good.

In chapter five we offer concluding remarks and suggestions for further investigation.

Finally, a word is in order about my discussion of "the good" throughout these chapters. I speak of "intrinsic good," "instrumental good," and "good." By "intrinsic good" I mean an end or things which is desirable in and of itself. A virtuous person by definition desires what is intrinsically good because he or she is virtuous. By "instrumental good" I mean a things which serves as a means to what is intrinsically good. For example, biotechnology is instrumentally good because it can be used to benefit humanity by promoting its health. By "good" I mean a thing which is desirable, without yet specifying the exact way in which it is desirable.<sup>1</sup> I also use the word "blessing" as an equivalent to "good" in this same last sense.

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<sup>1</sup>My use of "intrinsic good" and "instrumental good" is similar to Alasdair MacIntyre's use of "internal goods" and "external goods." By the former, MacIntyre means goods internally attached to a practice, which goods, in order to be achieved, require the possession of the virtues. By the latter, MacIntyre means goods externally and contingently attached to a practice. See "The Nature of the Virtues" in *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press, 1981), 169-189. On intrinsic and instrumental goods, see Robert G. Olson, "Problems in Ethics," in *A Short Introduction to Philosophy* (New York: Harcourt, Brace & World, 1967), 91-110.

## CHAPTER II

### LIFE AND DEATH AS BLESSING: MORAL DISCERNMENT IN THE CONTEXT OF TECHNOLOGY AND AUTONOMY

#### A. Technology

##### 1. The Drive of Technology

The genesis of modern technology may be traced to the Industrial Revolution. Generally considered to have begun in Great Britain during the 1700s and spread to western Europe and the northeastern United States by the mid-1800s, the Industrial Revolution brought sweeping technological changes.<sup>1</sup> Factory operations utilized power-driven machines for mass production of goods eventually available even to commoners. Humanity harnessed the world of nature for the sake of mechanical efficiency and material gain.

This drive of technology, begun in the Industrial Revolution, has not simply continued unabated through the close of the twentieth century. Rather, the drive of technology has evolved in two important ways. First, the rate of technological change has increased exponentially. K. Danner Clouser notes that today's bioethical concerns are concerns only because of biotechnology's "increased capability and knowledge. Being capable of something (keeping a dying patient alive, discovering fetal characteristics before birth, transplanting body

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<sup>1</sup>For a classic discussion of the Industrial Revolution, see T. S. Ashton, *The Industrial Revolution, 1760-1830* (New York: Oxford University Press, 1948; reprint with revisions, 1969). For an analysis of the negative aspects of the era, such as oppressive working conditions and unsanitary living conditions, see Malcolm I. Thomis, *The Town Labourer and the Industrial Revolution* (New York: Barnes & Noble, 1974).

organs, etc.) forces the question, 'Ought we to do it?' — a question irrelevant to practice as long as we are not capable of doing it."<sup>2</sup> Ethical debate over IVF/ET, genetic screening, germ cell therapy, stem cell and organ harvesting, cryogenics, and human cloning is erupting only because yesterday's impossibilities have become either today's realities or tomorrow's probabilities. Indeed, it is not too much to say that the drive for technological progress has taken on a life of its own. In truly circular logic, progress in biotechnology is justified on the basis of just how far we have already come! If we peddle faster, we will be able to go more quickly!<sup>3</sup>

Second, and even more significantly, technology has changed by turning inward, fastening upon humanity as its object. Whereas formerly humanity used technology to seize what was nonhuman and shape it for the benefit of humanity, now technology — and especially biotechnology — increasingly seizes humanity itself and seeks to make it into something which presently it is not. Lewis Mumford has written extensively on "the myth of the machine" and chronicled how technology has taken on a life of its own, with humanity increasingly less able to free itself from the compulsion and coercion of technology.<sup>4</sup> This

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<sup>2</sup>K. Danner Clouser, "Bioethics," in *Encyclopedia of Bioethics*, ed. Warren T. Reich (New York: Macmillan, 1978), 1:115.

<sup>3</sup>Of course, the real question is: Where is biotechnology taking us, and how will we know when we get there? This raises the importance of assessing the role of technology in bioethics, an aspect of bioethics which is in great need of attention. The *via media* approach of LeRoy Walters, with its bias toward description and away from evaluation and deontological rules, seems to me to be lacking substantively. Walters writes, "Technology assessment provides an alternative to the fatalistic view that whatever can be done will be done and to an uncritical technological optimism which asserts that whatever can be done should be done." LeRoy Walters, "Technology: Technology Assessment," in *Encyclopedia of Bioethics*, 4:1653-1654.

<sup>4</sup>See especially "Mass Production and Human Automation" and "The New Organum" in *The Pentagon of Power, The Myth of the Machine*, vol. 2 (New York: Harcourt Brace

raises an unavoidable question of philosophical accidents and essence. Bioethicists struggle not only with *what it means to be human*, but also with *what it ought to mean to be human in the future*! Hans Jonas warns, "*Homo faber* is turning upon himself and getting ready to make over the maker of all the rest. This consummation of his power, which may well portend the overpowering of man, . . . calls upon the utter resources of ethical thought, which never before has been faced with elective alternatives to what were considered the definite terms of the human condition."<sup>5</sup>

## 2. Biotechnology as a Good

Certainly biotechnology must be praised as a tremendous instrumental good for humanity. Without the technology of modern medicine, additional thousands — if not millions — of lives would be lost each year worldwide due to the ravages of disease. To this one must add the untold suffering that would be magnified, without necessarily leading to immediate death, were it not for the competent medical diagnosis and treatment that technology enables. The blessings of biotechnology include everything from routine immunizations, lab work, and antibiotics to extraordinary organ and bone marrow transplants. Who would want to be without these?<sup>6</sup> And, most significantly of all, arguably the greatest

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Jovanovich, 1970), 164-196 and 378-413.

<sup>5</sup>Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics for the Technological Age*, trans. Hans Jonas with the collaboration of David Herr (Chicago: University of Chicago Press, 1984), 18.

<sup>6</sup>There is, nonetheless, considerable literature arguing the opposite point of view. Such literature cites increases in (1) worldwide rates of malnutrition and starvation, (2) diseases resistant to overprescribed antibiotics, and (3) disappointment over unrealized expectations for quality medical care and extraordinary medical cures.

stride this century in health care — sanitary living conditions, with proper hygiene habits and proper waste disposal — would never have been realized without microbiology and the knowledge of how disease spreads.

Not surprisingly, therefore, biotechnology's exponential growth and turn inward has given birth to a notion of biotechnology both as an intrinsic good and, in the most extreme perspectives, as the highest good. Biotechnology has come to be viewed as a qualified intrinsic good both by "rights theorists" and "relationship theorists."<sup>7</sup> Rights theorists regard biotechnology as an intrinsic good which people are free to choose — to which they have a right — although such freedom is often limited by some ethical principle. Thus for Bonnie Steinbock, every woman has the right to use prenatal genetic screening if she is convinced that this is in her best interests, although this right is limited by the symbolic value of embryos and presentient fetuses.<sup>8</sup> Similarly, Dena Davis says that parents have a right both to know the genetic information of a fetus and to act on that information, but that this right is limited by what Joel Feinberg calls "the child's right to an open future."<sup>9</sup> Relationship theorists

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<sup>7</sup>By "rights theorists" I mean moral theorists in the tradition of Lawrence Kohlberg who emphasize generalized rights, justice, and deontology. By "relationship theorists" I mean moral theorists in the tradition of Carol Gilligan who emphasize particular relationships, caring, and teleology. Lawrence Kohlberg, *The Philosophy of Moral Development: Moral Stages and the Idea of Justice*, Essays on Moral Development, vol. 1 (San Francisco: Harper and Row, 1981). Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge, MA: Harvard University Press, 1982).

<sup>8</sup>This symbolic value is significantly beneath the value of sentient human beings. However, once a fetus becomes sentient, which Steinbock estimates to be in the late second trimester of pregnancy, the fetus acquires true moral status. Bonnie Steinbock, *Life before Birth: The Moral and Legal Status of Embryos and Fetuses* (New York: Oxford University Press, 1992), 6, 24, 203-210.

<sup>9</sup>Davis notes a new problem arising in "value-free" genetic counseling. Whereas previously parents sought out genetic counselors to ensure that their offspring would *not* be carrying a gene linked to a specific disease, now parents with certain disabilities are asking

regard biotechnology as an intrinsic good when it is used in the context of "proper" regard for concrete human relationships. Thus for Laurence McCullough, biotechnology represents an intrinsic good when it is exercised within the context of a virtuous physician-patient relationship.<sup>10</sup> Mary Mahowald sees biotechnology as an intrinsic good when it is used on the basis of egalitarian concern for the particulars of all human relationships affected.<sup>11</sup>

The meliorist perspective of valetudinarians, eugenicists, and others<sup>12</sup> offers a more

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genetic counselors to ensure that their offspring *will* share their disability. To date, such requests have concerned achondroplasia (dwarfism) and hereditary deafness. Davis uses Feinberg to argue that such parental requests violate a child's future autonomy, restricting the child's future ability to make choices. Dena S. Davis, "Genetic Dilemmas and the Child's Right to an Open Future," *Hastings Center Report* 27, no. 2 (1997): 7-15. Joel Feinberg, "The Child's Right to an Open Future," in *Whose Child? Children's Rights, Parental Authority, and State Power*, ed. William Aiken and Hugh LaFollette (Totowa, NJ: Littlefield, Adams & Co., 1980), 124-153.

<sup>10</sup>"To establish applicability, one needs to establish the individually necessary and jointly sufficient material conditions of concrete human relationships, such as the physician-patient relationship." For McCullough, four virtues — self-effacement, self-sacrifice, compassion, and integrity — serve as the basis for the ethical principles of beneficence and respect for autonomy. These virtues "constitute the individually necessary and jointly sufficient material conditions for creating and sustaining the physician-patient relationship as moral in character." Within the context of this virtuous relationship, biotechnology is an intrinsic good. MacIntyre's classification of internal good applies; see above, chapter one, note 1. Laurence B. McCullough and Frank A. Chervenak, M.D., *Ethics in Obstetrics and Gynecology* (New York: Oxford University Press, 1994), 7, 11.

<sup>11</sup>Mary Briody Mahowald, "An Egalitarian Overview," in *Women and Children in Health Care: An Unequal Majority* (New York: Oxford University Press, 1993), 3-23.

<sup>12</sup>Interestingly, Hans Jonas includes Marxists among those who subscribe to the meliorist view of technology. According to Jonas, Marxism glorifies technology, aiming to develop and actualize technology's fullest capabilities as the highest good. Pragmatically, Marxism aims first and foremost at maximizing technology; without it, even the fulfillment of the Marxist vision of equal and just distribution of all means of production would only result in general poverty. Spiritually, Marxism perpetuates a "cult of technology"; devoid of a soul and built on absolute materialism, Marxism preaches "almost religious faith in the omnipotence of technology to the good." Jonas, *Imperative of Responsibility*, 142-144, 154, 155.

extreme view, regarding biotechnology as an unqualified intrinsic good, even sometimes as the highest good. Leon Kass characterizes this perspective as one in which the use of technology is "justified solely by the excellence of the end." At the generation end of life, it is "a new prospect for improving human beings — minimally, by ensuring the perpetuation of healthy individuals by avoiding the risks of genetic disease inherent in the lottery of sex, and maximally, by producing 'optimum babies,' preserving outstanding genetic material, and (with the help of soon-to-come techniques for precise genetic engineering) enhancing inborn human capacities on many fronts."<sup>13</sup> At the duration end of life, predictions of greatly, or even indefinitely, lengthened life on earth are heralded as the liberation of humanity from its most ancient oppressor, death. Nor is the basis for such euphoria, according to some accounts, necessarily fictional; "advances in cell biology" suggest the possibility of "counteracting biochemical processes of aging. Death no longer appears as a necessity belonging to the nature of life, but as an avoidable, at least in principle tractable and long-delayable, organic malfunction."<sup>14</sup>

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<sup>13</sup>In this discussion I am modifying a category which Leon Kass uses to describe one of three contexts in which cloning is defended, and applying his remarks also to other lesser applications of biotechnological power. Kass notes that although eugenicists formerly pleaded their cause openly, "they are now generally happy to see their goals advanced under the less threatening banners of freedom and technological growth." Leon R. Kass, M.D., "The Wisdom of Repugnance: Why We Should Ban the Cloning of Humans," *The New Republic* 216, no. 22 (1997): 17-26, at 20.

<sup>14</sup>Jonas, *Imperative of Responsibility*, 18. Current research continues to bear out this possibility. Gary Van Zant, University of Kentucky cell biologist, believes that hematopoietic stem cells could hold the key to predicting, and even extending, the human life span. "Until now, biologists generally thought these stem cells kept dividing and producing new cells more or less continuously. But Van Zant's work suggests there is a genetically controlled system, rather like a clock, that shuts them down after a certain, finite number of divisions. Death then would eventually follow." Altering "human stem-cell turnover" could alter the human life span. "UK Cell Biologist Getting Attention for Research," *Clarksville (TN) Leaf-Chronicle*, 5 February 1999, B11.

But of all the contexts in which biotechnology (or technology) has been regarded as an intrinsic good—be it a qualified, unqualified, or highest good—the context which has probably produced the most comprehensive set of arguments for biotechnology as a good is human cloning. This is unsurprising. The idea of human cloning is nothing less than the humanistic icon of biotechnology at work “controlling” and “improving” the ultimate life form. Moreover, the demonstrated success of Ian Wilmut’s technique of renucleating a sheep egg with the nucleus of a donor cell means that attempts with human eggs cannot be far off. Nor, many would argue, should such attempts be far off. To put it in the grammatically-corrupted vernacular, If we can clone a Dolly, why can’t we clone an Adam or an Eve?<sup>15</sup>

Indeed why shouldn’t we clone humans? In what ways might human cloning be considered a good? Some scholars have already undertaken the task of cataloging arguments for the cloning of human beings as a good.<sup>16</sup> A rather general list compiled by Lane Lester and James Hefley in 1980 cited nine reasons:

- Cloning is a great way to perpetuate genius.
- Cloning can provide soldier and servant classes of people.
- Cloning can improve the human race.
- Cloning can prevent genetic disease in a selected posterity.
- Cloning can exchange body parts and experience enhanced social communion.
- Cloning can provide a genotype of one’s spouse, living or dead, of a deceased parent, or of some other departed loved one.
- Cloning can provide a form of immortality for donors.
- Cloning can determine the sex of future children.

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<sup>15</sup>Note the postmodern confusion of the indicative and the imperative. If we can (are able to) clone a Dolly, why can’t we (shouldn’t we) clone an Adam or an Eve?

<sup>16</sup>It should be noted that the following lists have been compiled by *opponents* of human cloning. *Proponents* of human cloning appear to be uneasy about publishing their own top-ten-reasons-to-clone-humans list. See note 13.



Cloning can increase scientific knowledge about human reproduction.<sup>17</sup>

In 1997, Leon Kass offered the following, more specific update. Human cloning is deemed a good by its supporters because it makes possible:

providing a child for an infertile couple; “replacing” a beloved spouse or child who is dying or has died; avoiding the risk of genetic disease; permitting reproduction for homosexual men and lesbians who want nothing sexual to do with the opposite sex; securing a genetically identical source of organs or tissues perfectly suitable for transplantation; getting a child with a genotype of one’s own choosing, not excluding oneself; replicating individuals of great genius, talent or beauty — having a child who really could “be like Mike”; and creating large sets of genetically identical humans suitable for research on, for instance, the question of nature versus nurture, or for special missions in peace and war (not excluding espionage), in which using identical humans would be an advantage.<sup>18</sup>

### **3. Biotechnology as a Dehumanizing Force**

Certainly no individual advocate of biotechnology-as-intrinsic-good would accept all the biotechnological applications raise by Kass, or Lester and Hefley . . . or even all those encouraged by Steinbock or Mahowald. Nonetheless such applications, taken together, suggest that belief in biotechnology-as-intrinsic-good is a dehumanizing impulse which would tend to create its own version of humanity.

#### **a. Devaluation of Human Life**

As the notion of biotechnology-as-intrinsic-good inexorably impels toward the maximization of biotechnology, humanity is simultaneously further reduced to the status of

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<sup>17</sup>Lane P. Lester and James C. Hefley, *Cloning, Miracle or Menace?* (Wheaton, IL: Tyndale, 1980), 46-56; quoted in Daniel Ch. Overduin and John I. Fleming, *Life in a Test-Tube: Medical and Ethical Issues Facing Society Today* (Adelaide, Australia: Lutheran Publishing House, 1982), 180.

<sup>18</sup>Kass, *Wisdom of Repugnance*, 19.

*product* and *information* on the generation side of life. The biotechnological faith holds that the farther back life can be modified, controlled, or generated — away from natural sexual reproduction — the better . . . perhaps even to the point of human cloning. Through cloning, classes of humans could be produced at will — from the very creative and smart to the very strong and servile. Children could be generated from a single donor, without the need of opposite-sex partners or any partner at all. Offspring could be produced to immortalize even the infertile. “Questionable” genes, however defined, could be researched in idealized control groups and rejected in the final engineering process. But already today, genetic screening allows for the elimination of IVF/ET *products* whose genes do not contain the desired *information* — whether in reference to gender, disease, probable intelligence, or another characteristic.

The reduction of humanity to the status of product is what Paul Ramsey has described as “fabricated man.”<sup>19</sup> For Ramsey, such a reduction not only degrades life, it actually drains away the most noble and human aspects of the life that humanity has naturally possessed. Man is not something that can be fabricated; he is what we are. Woman is more than mere matter which can be manipulated; she is an embodied soul with irreducible noble endowments. Humanity loves, hates, and cogitates . . . accepts, rejects, and genuflects . . . eats, drinks, and winks. To reduce such natural endowments — or even worse, to reduce the whole human — to the category of product is to take away the “human” from “human life.”

Jeffrey Botkin warns of several, grave “psychological implications” of remaking humanity into the product of genetic engineering. Parental attempts to design children

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<sup>19</sup> Paul Ramsey, *Fabricated Man: The Ethics of Genetic Control* (New Haven: Yale University Press, 1970).

through intentional biological control would only exacerbate the problems that currently exist from parental attempts to mold children through social and environmental controls. "Genetic determinism" would increasingly narrow the activities or lifestyles into which children would be channeled "without regard to the child's interests or demonstrated aptitudes." Being "carefully selected or even made to be the way we are" would erode the joy of human success and encourage resentment upon the occasion of human failure; biology would get the credit or parental genetic choices would get the blame. Finally, for those not subjected to the ultimate harm of pregnancy termination, there would be the psychological harm of living with the knowledge that one's "personal genetic information has been revealed to others."<sup>20</sup> Even in the hands of parents wanting the best, this information would easily lead to actual harm through what Glenn McGee calls "the sin of calculativeness" — parents de-emphasizing their active responsibilities in raising a child and, instead, "allowing genetic choices to define the child's telos."<sup>21</sup>

#### **b. Devaluation of Human Relationships**

Here we begin to see how the view of man, woman, or child as product or information brings along an unintended devaluation of human relationships. On the generation side of life, what may we finally say of the *genesis* of a child produced by cloning or genetic engineering or even IVF/ET? Perhaps only this: that he or she is the product of intentionality and planning (with respect to the parent or parents or donor or donors), mated to scientific

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<sup>20</sup> Jeffrey R. Botkin, "Fetal Privacy and Confidentiality, *Hastings Center Report* 25, no. 5 (1995): 32-39, at 35.

<sup>21</sup> Glenn McGee, "Parenting in an Era of Genetics," *Hastings Center Report* 27, no. 2 (1997): 16-22, at 18.

procedure and the related odds of success (with respect to biotechnology). Humanity is herein gutted of the two foundational dimensions which enliven and sustain all relationships — uniqueness and relatedness.<sup>22</sup> The uniqueness of the individual devolves into the specificity of a given genetic formula. The relatedness of the individual devolves into the categories of intent, planning, and odds. The problem is that will, forethought, and luck are not up to the task of sustaining meaningful human relationships from beginning to end on the often rough and pitted road of life.

How different from the idea of human relationships being grounded in the historic and natural inseparability of the unitive-procreative act! Human relatedness is born out of mother-father relatedness. The child receives relatedness in the context of a man and a woman living together in absolute commitment to each other and sharing their love. Such absolute commitment and shared love between people is a basis powerful enough to sustain human relatedness throughout life.<sup>23</sup> Human uniqueness is born out of mother-father uniqueness.

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<sup>22</sup>By “foundational” dimensions I mean here uniqueness and relatedness as dimensions of human life which *arise at the time of conception through an unseparated unitive-procreative act*, and are capable of sustaining lifelong human relationships. Certainly it is true that after conception, after birth, and also throughout life, relationships are often based on notions of human uniqueness and relatedness that are defined in terms of some human capability or trait. This latter view, but not the former, is logically consistent with the practice of human cloning, genetic engineering, and IVF/ET as a good.

<sup>23</sup>To the degree that this natural means of receiving relatedness is missing, sustained long-term human relationships can become increasingly problematic. I do not mean relatedness in the sense of being related to someone; clearly every child has biological relatives, be they living or dead. Rather, I mean relatedness in the sense of experiencing relatedness in the context of living with those who include the child in their commitment and love. Granted, it is possible for a child to experience this relatedness apart from his or her biological mother or father, or with only one parent. Nonetheless, significant literature demonstrates increased difficulty for single-parent children in establishing and maintaining long-term human relationships.

Most recently, the National Longitudinal Study on Adolescent Health, released on June 3, 1999 and billed as the largest and most comprehensive study of its kind, identified a

The child receives uniqueness in the context of man and woman each giving to the other what is uniquely one's own to give — oneself — resulting in a new, mysterious, and unique self. Such an understanding of human uniqueness — that I have my individuality by way of the individuality (of each of my parents) which brought me into being — is a basis powerful enough to anchor the human uniqueness of every man, woman, and child until it blossoms forth in the fullness of adult individuality.

Students of western Christian thought will recognize these categories of uniqueness and relatedness, which are foundational for human relationships. In western Christianity, it is the unity of the divine Trinity, bound together in love, which reaches down in love through the Son to create human relatedness with God. It is the distinctiveness of the divine Persons — Father, Son, and Holy Spirit — within the Godhead from all eternity which manifests itself in the distinctiveness of man and woman. Thus Ramsey comments, "To put radically asunder what God joined together in parenthood when He made love procreative, to procreate from beyond the sphere of love (AID, for example, or making human life in a test-tube), or to posit acts of sexual love beyond the sphere of responsible procreation (by definition, marriage), means a *refusal of the image of God's creation in our own*" (emphasis mine).<sup>24</sup>

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battery of conditions and circumstances which contribute to teens engaging in risky behavior, such as committing violence, using illegal substances, becoming sexually active. The key protective factor which was found to counter and offset such conditions and circumstances was "connectedness," primarily with parents and secondarily with other adults. "Teenagers and adolescents who felt close to family, cared for by their family, satisfied with the relationships within the family" were best able to maintain healthy relationships with others outside the home and avoid destructive behavior. The Washington-based Institute for Youth Development sponsored the twenty-five million dollar study, drawing on a survey of ninety thousand students. "Massive Study Suggests Teen Sex, Violence Tied to Parental Relationship," *Clarksville (TN) Leaf-Chronicle*, 4 June 1999, A9.

<sup>24</sup>Ramsey, *Fabricated Man*, 39. Ramsey defines AID as "artificial insemination for eugenic reasons with semen from a nonhusband donor." *Ibid.*, 10.

The practice of biotechnology as an intrinsic good through cloning, genetic engineering, and IVF/ET dehumanizes relationships by destroying the natural foundation for human uniqueness and relatedness.

Moreover, any reduction of humanity to the status of product or information raises ontological questions. Am I? Who am I? What am I? Am I mere data? Richard M. Zaner relates the following revealing anecdote: "Not long ago, Walter Gilbert, a Nobel laureate in genetics, proclaimed with rare enthusiasm that the human genome now being unraveled, mapped, and sequenced in the National Institutes of Health's Human Genome Project . . . promises to 'put together a sequence that represents . . . the underlying human structure . . . our common humanity.' Soon, he announced, it will be possible 'to pull a CD out of one's pocket and say, 'Here is a human being; it's me'!'""<sup>25</sup> Gilbert's words unwittingly reveal the dehumanization inherent in viewing humanity as essentially information. In response to Gilbert's words, an ordinary person would sense this dehumanization and disagree with Gilbert. Ordinary people intuit immediately that they are not CDs or mere genetic information. Ordinary people experience human life as "insiders"; they are acutely aware of their corporeal and spiritual existence. They get hungry. They hold grudges. They have hopes. As a man, I intuit that I *am more* than mere information, more than a genetic recipe baked to perfection (or perhaps only half-baked).<sup>26</sup> That the biotechnological faith would

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<sup>25</sup>Richard M. Zaner, "Surprise! You're Just Like Me!: Reflections on Cloning, Eugenics, and Other Utopias," in *Human Cloning*, ed. James M. Humber and Robert F. Almeder, Biomedical Ethics Reviews, vol. 6 (Totowa, NJ: Humana Press, 1998), 105, quoting Walter Gilbert, "A Vision of the Grail," in *The Code of Codes: Scientific and Social Issues in the Human Genome Project*, ed. Daniel J. Kevles and Leroy Hood (Cambridge, MA: Harvard University Press, 1992), 83-97.

<sup>26</sup>Even if one grants the argument that the human being is materially composed of nothing other than matter organized according to distinctive genetic information, this does

suggest that I am *not more* dehumanizes the entire human race, ignoring what is essential to the breadth and depth of human life.

### c. Devaluation of Human Death

The notion of biotechnology as an intrinsic good, and in the extreme as the highest good, devalues not only human life, but also human death. On the duration end of life, the biotechnological creed asserts that if natural death can be delayed by application of biotechnology, then it ought to be delayed . . . perhaps even to the point of being delayed indefinitely. With its self-investment in the circumventing — or at least the delaying — of death, biotechnology-as-intrinsic-good undercuts humanity in its struggle to take seriously both death as a reality for people in general and for oneself in particular. It is sheer dehumanization to picture life on earth as the totality of human reality; to focus all energy on processes bent on prolonging life; to suggest to the weak or dying that perhaps there is an end-run around death; to gloss over the losses which accrue in dying; to ignore the universal experience of death. Strenuous activity to forestall death is hardly consistent with what Elisabeth Kübler-Ross describes as the final and most beneficial stage of human response to dying — *acceptance of death*.<sup>27</sup> Deceiving dying patients about their actual condition appears

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not contradict the opinion that each man, woman, and child is much more than genetic information . . . that each possesses a higher, spiritual component which cannot be mapped in the human genome . . . that each may, for example, fear, love, and trust in God, or not. After all, cloning requires a live, not dead, egg. Scientists have not been able to create life; they have only been able to use life to form other life. It is entirely reasonable to assume that the highest human component — a spiritual component — is coterminous with human life itself. This would mean that the mystery of what makes me me *is* the mystery of life. Students of the history of Christian doctrine will recognize the proximity of this analysis to Augustine's conception of traducianism.

<sup>27</sup>Elisabeth Kübler-Ross, *On Death and Dying* (New York: Macmillan, 1969).

to be counter-productive; the terminal patient who is given a realistic prognosis and an opportunity to talk about death usually ends up with more intimate and more supportive relationships among family and friends.<sup>28</sup> Disrupting one who is close to death with the thought that biotechnology might be able to stave off death hinders one in the difficult task of saying goodbye to family and friends, of coming to terms with the imminent loss of all things earthly, and (for the believer in God) of turning to him who alone is the Hope for the life to come.

Daniel Callahan suggests that because biotechnology endlessly questions the necessity and inevitability of death, ever more cleverly sustains failing organs, and continues to open up new possibilities in the ancient struggle with mortality, modern humanity is failing to embrace death as a fundamental part of reality. For Callahan, respect for humanity means seeing death "as the necessary and inevitable end point of medical care."<sup>29</sup> Quoting the theologian John Bowker, Callahan notes that this view coincides with the view of the major world religions: "The religious affirmation of value includes the reality of death, maybe as the last enemy, but also as the necessary condition of life. Attempts to evade death, or to pretend that it is not serious, or to deny its necessary place in the ordering of life, have almost always been regarded by the major religious traditions as false or dangerous or subversive of truth."<sup>30</sup>

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<sup>28</sup>Richard A. Kalish, "Attitudes toward Death," in *Encyclopedia of Bioethics*, 1:286-291.

<sup>29</sup>Daniel Callahan, *The Troubled Dream of Life: In Search of a Peaceful Death* (New York: Simon & Schuster, 1993), 188.

<sup>30</sup>John Bowker, *The Meanings of Death* (Cambridge: Cambridge University Press, 1991), 211, quoted in Callahan, *Troubled Dream of Life*, 230.



#### 4. Summary

Above we have examined how biotechnology, when viewed as an intrinsic good, is a dehumanizing force which would create its own version of humanity. The “excellent ends” which such biotechnology pursues with ever more vigor devalues human life, death, and the fullness of human relationships. On the generation end of life, belief in biotechnology as an intrinsic good impels inexorably toward the reduction of humanity to the status of product and information. The farther back life can be modified, controlled, or generated — away from natural sexual reproduction — the better . . . perhaps even to the point of human cloning. On the duration end of life, the force of biotechnology questions whether death is the necessary condition of life. The biotechnological creed asserts that if natural death can be delayed by application of modern medicine, then it ought to be delayed . . . perhaps even to the point of being delayed indefinitely. It is no wonder, therefore, that the force of biotechnology has made moral discernment difficult in the bioethical issues which obtain at both ends of life.

Were biotechnology the only force at work clouding moral discernment and complicating moral judgment, the task of bioethics would not be as difficult as it is today. If modern western society retained either a set of generally-accepted religious beliefs, or a community-wide moral code, our society might have an authoritative basis for making moral decisions regarding biotechnology. Such, however, is not the case. The powerful force of autonomy has, in its own right, blurred the bioethical issues. Worse, the force of autonomy has collided with the force of technology, to create a fog obscuring bioethical issues at both ends of the spectrum of life. We turn now to an examination of autonomy.

## B. Autonomy

### 1. The Ascendancy of Autonomy

The history of religion and of moral philosophy may be read as a battle between heteronomy and personal autonomy. I intend these two categories in their most literal senses. By "heteronomy" I mean *other-law*: an authoritative source outside of oneself establishes rules which are morally authoritative for the individual. By "autonomy" I mean *self-law*: based on one's own self-authority, one establishes one's own rules and judgments as morally authoritative for oneself. Among nation-states, a similar distinction obtains. Autonomous nations establish their own laws as authoritative within their own borders. Occupied territories are heteronomous communities, subject to the laws of ruling forces.

Within the western world and from the earliest accounts of humanity down to the Enlightenment, the heteronomy-autonomy struggle was generally resolved in favor of heteronomous forces. It was not that philosophers and theologians imagined that humanity had no autonomous impulse. Rather, it was that this impulse was considered to be subordinated or fulfilled in the context of some heteronomous force. For example, the biblical account of Adam and Eve's fall in the Garden of Eden pictures human autonomy as (1) disobeying the command of God in an attempt to become an equal with God, and (2) ushering in grievous sin and death through the attempt to displace the absolute authority of God's heteronomy with human autonomy. Nonetheless, the Christian view of history was and continues to be that the human impulse for autonomy can finally be resolved only in the context of heteronomy — true human freedom is found not under self-rule, but under the rule of God, under the Gospel, within the context of being made free by the righteousness of God

in Jesus Christ, his Son.

Down to the Enlightenment, the overwhelming majority of western moral philosophers and traditions asserted this same supremacy of heteronomy in the heteronomy-autonomy struggle, employing various categories to make the case. For example, in *Apology* and *Crito*, Socrates explicitly appeals to the objective moral force of divine revelation and the laws of the state. Revelation conveys truth which transcends individual self-centeredness. The state's laws greatly benefit society and must be obeyed, even at the cost of one's own life.<sup>31</sup> For Plato, the particulars of human life necessarily point beyond themselves to the eternal Ideas, which are the overarching realities which supersede all things individual. Aristotle also places the strongest emphasis on the heteronomous over the autonomous, as evidenced by the central position he gives *habitus* in the formation of virtues. Within the *polis*, wise men of politics must enact laws and ensure customs which train the citizenry, from youth up, in moral virtue. It is absolutely essential that authoritative law positively inculcate the virtues, and negatively punish what is ignoble.<sup>32</sup> The Stoics further magnify Aristotle's priority of the heteronomous by urging that each *polis* leave behind *its* limited perspectives of local religion or regional customs, and embrace the universality of natural law and pure rationality. Thomas Aquinas offers an Aristotelian-Christian synthesis which, not surprisingly,

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<sup>31</sup>During his trial, Socrates argues that he believes in the gods and that he must not turn aside from obeying the oracle (*Apology* 29a-29b). After his conviction, he extols the greatness of Athenian law, even if such law will claim his life (*Crito* 50a-53a). Plato, *The Last Days of Socrates: Euthyphro, Apology, Crito, Phaedo*, trans. Hugh Tredennick and Harold Tarrant, revised trans. (New York: Penguin Books, 1993).

<sup>32</sup>Aristotle, *Nicomachean Ethics*, trans. Martin Ostwald, Library of Liberal Arts (Englewood Cliffs, NJ: Prentice Hall, 1962), X, 9 (1179b-1180a). For Aristotle, more than a rational argument is needed to move people to pursue virtue. He comments that most people "do not even have a notion of what is noble and truly pleasant, since they have never tasted it. What argument indeed can transform people like that" (Ibid., 1179b, 15-17)?

also establishes the final, authoritative source of law outside of oneself. For Aquinas, the cardinal virtues, being measured by human law and caused by human acts governed by reason, will always be imperfect due to the corruption of original sin. Only the theological virtues, being measured by the divine law of Scripture and caused by divine operation within humanity, can bring humanity to ultimate moral fulfillment.<sup>33</sup>

With the Enlightenment, however, autonomy begins to assume dominance in the heteronomy-autonomy struggle. Alasdair MacIntyre links this shift to the growth of freedom in the market economy.<sup>34</sup> The focus rapidly moves away from external moral authority, of God or community or government, to the rights and moral judgments of individuals. For René Descartes, all truth is part of a coherent, rational whole which can be uncovered by reason. Grounded in sense experience and applied in a mathematical method, individual reason need not appeal to an external moral authority. John Locke continues the movement away from heteronomy with a more developed empiricism. If the human mind is a *tabula rasa* which is written on only by sense experience, then the authority of metaphysics is preempted. Spinoza, convinced that reason cannot comprehend the whole, assumes a skeptical attitude which seeks out the most adequate of ideas. The state, he proposes, exists to empower individuals — not vice versa — by promoting adequate ideas (developed by rigorous philosophical thought) and freedom of thought. David Hume radicalizes empiricism and undermines the very possibility of knowing nature or establishing any objective moral code. If, as Hume maintains, knowledge exists only in the context of associations, and

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<sup>33</sup>Thomas Aquinas, *Treatise on the Virtues*, trans. John A. Oesterle (Notre Dame: University of Notre Dame Press, 1984), question 61, article 1; question 62, articles 1-3.

<sup>34</sup>Alasdair MacIntyre, "New Values," in *A Short History of Ethics*, 2d ed. (Notre Dame: University of Notre Dame Press, 1998), 146-156.

experience is but probable inference from past experience, then even reason is invalidated as a universal moral foundation.

The ascendancy of autonomy over heteronomy continues in Immanuel Kant's attempt to reconstruct a foundation for morals in answer to Hume's radical empiricism. Without recourse to the speculative religious claims of the "old metaphysics," Kant asserts that a priori reason in every human can consult the moral law and pure practical reason can guide behavior without any subjective impulses. Kant's attempted reconstruction hinges on his concept that the categorical imperative directly determines the autonomous will.<sup>35</sup> But the hinge gives way. Kant's attempt to provide an objective foundation for morals collapses into mere aesthetization of morals because each person's autonomous will is *not* of necessity determined by Kant's categorical imperative.

The modern era of moral philosophy may be characterized not only by its manifold (and, I would add, unsuccessful) attempts to provide an objective foundation for morals, but also, more to the point at hand, by a remarkable, common emphasis on autonomy and personal moral freedom. The scientific method of John Stuart Mill may dissolve religion in its attempt to discover scientific laws which govern human action. It may seek to ground *Geistwissenschaft* in *Naturwissenschaft*. Nonetheless, Mill's theory of ethics finally rests on the principle of human freedom, specifically, in the exercise of the free human will.<sup>36</sup> Friedrich

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<sup>35</sup>For Kant, other moral philosophers failed because they "sought an object of the will in order to make it into the material and the foundation of a law . . . ; instead, they should have first looked for a law that a priori and directly determined the will, and only then determined the object conformable to it." Immanuel Kant, *Critique of Practical Reason*, 3d ed., trans. and ed. Lewis White Beck, Library of Liberal Arts (Upper Saddle River, NJ: Prentice Hall, 1993), 66-67.

<sup>36</sup>"Because whatever happens will be the effect of causes, human volition among the rest, it does not follow that volitions, even those of particular individuals, are not of great

Wilhelm Nietzsche may wrestle with unresolved Apollonian and Dionysian contradictions within humanity, but at the end of the day only sheer autonomy — Nietzsche's *Übermensch* — is left standing. The individual will to power drives toward conquest and achievement, without moral qualms. Jürgen Habermas may aim at producing an intersubjective moral consciousness through communicative actions. He may hope to ground communicative ethics objectively by discovering a duplicatable form of communicative actions which leads to intersubjective moral consciousness. Still, his non-negotiable ethical principle is freedom: individual freedom grounds all morals and, politically, the position which maximizes individual freedom is to be supported. Seyla Benhabib may reinterpret communicative ethics to include "both 'generalized others,' considered as equal moral agents, and 'concrete others,' that is individuals with irreducible differences." Nonetheless, she similarly envisions "the good" as that place where autonomy reigns, manifested in a pluralism of moral perspectives and choices, within a context of postmodern tolerance.<sup>37</sup>

Working within a hermeneutical framework and against what he sees as the totalization of subjectivity within ethics, Hans-Georg Gadamer stands as probably the most significant twentieth-century attempt to ground ethics objectively, by taking seriously both autonomy and heteronomy.<sup>38</sup> For Gadamer, ethics escapes pure autonomy through an intersubjective moral consciousness established between the individual and tradition.

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efficacy as causes." Mill then goes on to document the vitality of human volition. John Stuart Mill, *The Logic of the Moral Sciences* (La Salle, IL: Open Court, 1988), 126.

<sup>37</sup>Seyla Benhabib, *Situating the Self: Gender, Community, and Postmodernism in Contemporary Ethics* (New York: Routledge, 1992), 169, 44.

<sup>38</sup>Hans-Georg Gadamer, *Truth and Method*, trans. rev. Joel Weinsheimer and Donald G. Marshall, 2d rev. ed. (New York: Continuum Publishing Company, 1998).

Tradition and its heteronomous texts, including those of religion, present themselves for reflexive understanding and hermeneutical experience. The individual may take up traditionary texts (1) in the knowledge that such texts have their own history and historical context, (2) with the intent to suspend temporarily his or her own prejudices and become open to the effects of the text, and (3) toward the end of finding in the irreducible questions and problems of the text his or her own questions and problems. In this way, traditionary texts not only have their own *Wirkungsgeschichte*. They become *part* of their own *Wirkungsgeschichte*, mediating the past with the hermeneutical experience of the present through language. The interplay between traditionary texts and an individual — each such text presenting its own ethical horizon, the individual possessing his or her own ethical horizon — leads to a fusion of horizons and intersubjective moral consciousness.

If my analysis is correct, Gadamer's heteronomous elements of tradition, history, and hermeneutics do not stand up in the end to his autonomous elements of consciousness, *Wirkungsgeschichte*, and intersubjectivity. For example, traditionary texts are not actually heteronomous for Gadamer. Such texts are not sources external to the individual which establish morally authoritative rules for the individual. Rather, such texts are a part of their own living history of effects, mediated by the individual. The individual remains free (1) to consider, or reject out of hand, any traditionary texts based on subjective considerations, (2) to approach any such text based on his or her own subjective, ethical horizons, (3) to decide which interplays between the horizons of the texts and the individual will be allowed, and which will be disallowed, and thereby in effect (4) to determine the final fusion of horizons. From this perspective, Gadamer retains the priority of the autonomous over the heteronomous, and rests squarely in the modern tradition, emphasizing autonomy and

personal freedom.<sup>39</sup>

## 2. Arbitrary Valuation of Human Life within Bioethics

This ascendancy of autonomy over heteronomy within western moral philosophy, having begun in the Enlightenment, has continued to gain momentum as a force, down to the close of the twentieth century. Not surprisingly, the force of autonomy has impacted bioethics significantly. Not only has autonomy come to be accepted as one of the basic ethical principles within bioethics, but the concept of autonomy has paved the way for a differentiated, and even arbitrary, valuation of human life.<sup>40</sup>

Such arbitrary valuation of human life can offer striking resolutions to bioethical dilemmas. To put it pointedly, if I am truly autonomous, then I establish the rules which are morally authoritative for me. By my own self-authority, I define what is morally virtuous and morally vicious, and I determine the fitting means toward proper ends. In the difficult issues

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<sup>39</sup>MacIntyre's analysis of the movement of post-Enlightenment moral philosophy may also be summarized in the terms I have suggested here, as a shift toward autonomy and away from heteronomy. Indeed, Gilbert Meilaender interprets MacIntyre's *Three Rival Versions of Moral Enquiry* as suggesting that "the history of moral thought and practice suffered a great discontinuity in the post-Enlightenment period, when morality became 'a distinct and largely autonomous category of thought and practice,' emancipated — as it was hoped — from the web of any background beliefs, especially religious ones." Gilbert Meilaender, *Faith and Faithfulness: Basic Themes in Christian Ethics* (Notre Dame: University of Notre Dame Press, 1991), ix, quoting Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopedia, Genealogy, and Tradition* (Notre Dame: University of Notre Dame Press, 1990).

<sup>40</sup>By "arbitrary" I do not mean capricious, subject to change abruptly and without apparent reason. Rather, I mean entirely subjective, based on one's own will, desire, personal taste, and choice, apart from the consideration of any external rule as authoritative. Whenever the autonomous impulse exercises sole authority within an individual, to the exclusion of any deliberation over the heteronomous, then that individual's differentiated valuation of human life — positing that some humans have a higher moral status than others — will, by definition, be arbitrary.



of bioethics, I am the one who defines what it means to possess the sine qua non of fully human moral status, or to possess lesser moral status. And in the real world of limited resources and conflicting rights, I exercise my autonomy by treating people accordingly — those whom I deem to possess fully human moral status I give a greater share of my support and resources than those who possess lesser moral status. Indeed, where autonomy exists completely untempered by heteronomy, and where the foundational dimensions of human uniqueness and human relatedness<sup>41</sup> have been siphoned off, autonomy takes an extreme turn. In the extremely difficult choices that I must make, my autonomously-established conception of virtue may well mean that I will act with the specific intent to preserve the life of the former and to take the life of the latter.

#### **a. Evolution of Official Codes of Medical Practice**

By studying the evolution of official codes of medical practice, one may trace the development of autonomy and the beginnings of a differentiated valuation of human life within medical ethics. Below we examine a few of the significant codes. The ancient Oath of Hippocrates, which served for centuries as the standard medical oath, requires the practitioner of medicine to swear:

I will apply dietetic measures for the benefit of the sick according to my ability and judgment; I will keep them from harm and injustice.

I will neither give a deadly drug to anybody if asked for it, nor will I make a suggestion to this effect. Similarly I will not give to a woman an abortive remedy. In purity and holiness I will guard my life and my art.<sup>42</sup>

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<sup>41</sup>See above, this chapter, section A.3.b, "Devaluation of Human Relationships," 13-17.

<sup>42</sup>For the text of the Oath of Hippocrates, see "Appendix," in *Encyclopedia of Bioethics*, 4:1731.

It is important to note that the Hippocratic Oath provides a heteronomous foundation for medical ethics. Also, it enjoins a physician only to care for the sick, never to harm or to kill.

In response to the human experimentation undertaken by Nazi doctors, the Nuremberg Code of 1946 includes the following paragraphs:

1. The voluntary consent of the human subject is absolutely essential. . . .
7. Proper preparations should be made and adequate facilities provided to protect the experimental subject against even remote possibilities of injury, disability, or death.
10. During the course of the experiment the scientist in charge must be prepared to terminate the experiment at any stage, if he has probable cause to believe, in the exercise of the good faith, superior skill and careful judgment required of him that a continuation of the experiment is likely to result in injury, disability, or death to the experimental subject.<sup>43</sup>

Here we note, in paragraph one, a high regard for the personal autonomy of the human subject. Yet paragraphs nine and ten make clear that there is no allowance whatsoever for differentiated valuation of human life. The life and well-being of every human subject must be protected equally. Any possible injury to the subject, let alone potential death, immediately terminates the project. Thus there remains a strong heteronomous demand for always doing good, and never harm, to human subjects.

To an extent, the Helsinki Declaration of 1964 took the place of the Nuremberg Code in providing ethical guidance for human experimentation.<sup>44</sup> Significantly, Helsinki (1964) does appeal to a heteronomous moral authority — to moral principles which exist and must

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<sup>43</sup>For the text of the Nuremberg Code, see "Appendix," in *Encyclopedia of Bioethics*, 4:1764-1765. On the historical context and significance of the Nuremberg Code, see George J. Annas and Michael A. Grodin, eds., *The Nazi Doctors and the Nuremberg Code: Human Rights in Human Experimentation* (New York: Oxford University Press, 1992).

<sup>44</sup>For the text of the Helsinki Declaration of 1964, and the Helsinki Declaration of 1975, see "Appendix," in *Encyclopedia of Bioethics*, 4:1769-1773. "To some extent, the Nuremberg Code has been superseded by the Declaration of Helsinki as a guide for human experimentation"; *ibid.*, 4:1764.

be followed — but does not say what these moral principles are. First of the five Helsinki (1964) basic principles is: “Clinical research must conform to the *moral* and scientific *principles* that justify medical research and should be based on laboratory and animal experiments or other scientifically established facts” (emphasis mine).<sup>45</sup> With such moral principles left unspecified, Helsinki (1964) unsurprisingly sets aside the Nuremberg Code’s absolute prohibition of harming a patient in clinical research: “In the treatment of the sick person, *the doctor must be free* to use a new therapeutic measure, if in his judgment it offers hope of saving life, reestablishing health, or alleviating suffering” (emphasis mine).<sup>46</sup> Although the language is “positive,” it refrains from using Nuremberg’s stronger language precluding harm altogether.

The four subsequent versions of the Helsinki Declaration continue in the same direction. They tend to emphasize societal benefits which accrue from human research while de-emphasizing the protection of the individual patient. Helsinki (1975) completely removes the reference to moral principles. The first basic principle becomes, “Biomedical research involving human subjects must conform to generally accepted scientific principles and should be based on adequately performed laboratory and animal experimentation and on a thorough knowledge of the scientific literature.”<sup>47</sup> The movement is away from an absolute and universal valuation of human lives toward a differentiated, and perhaps even arbitrary, valuation of human lives.

This same movement is quite evident in the U. S. Department of Health, Education

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<sup>45</sup>Ibid., 4:1770.

<sup>46</sup>Ibid.

<sup>47</sup>Ibid., 4:1771.

and Welfare's (DHEW's) 1971 *U. S. Guidelines on Human Experimentation*. The prohibition to harm the individual is further compromised: "*The risks to an individual are outweighed by the potential benefits to him or by the importance of the knowledge to be gained*" (emphasis mine).<sup>48</sup> Furthermore, this level of protection is granted to the unborn only conditionally and to the same degree that it is granted to dead human beings: "The unborn and the dead should be considered subjects to the extent that they have rights which can be exercised by their next of kin or legally authorized representatives."<sup>49</sup> This implies that unborn human beings possess a lower moral status than born human beings.

Finally, DHEW's National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research produced *The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research*, dated 1979. *Belmont* sets forth three basic ethical principles as particularly relevant for research involving human subjects. These three principles, which wield tremendous influence within bioethics today, assert the autonomy of individuals in such a way as to differentiate between human lives regarding their valuation, or moral status.

The first basic ethical principle of *Belmont* is respect for persons, which means "first, that individuals should be treated as autonomous agents, and second, that persons with diminished autonomy are entitled to protection."<sup>50</sup> Note that this *autonomy* is defined in

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<sup>48</sup>For the text of *U. S. Guidelines on Human Experimentation: Institutional Guide to DHEW Policy on Protection of Human Subjects* (1971), see "Appendix," in *Encyclopedia of Bioethics*, 4:1774-1781, at 1779.

<sup>49</sup>*Ibid.*, 4:1776.

<sup>50</sup>Department of Health, Education and Welfare, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, *The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research* (18

*terms of specific human capabilities*: "An autonomous person is an individual capable of deliberation about personal goals and of acting under the direction of such deliberation."<sup>51</sup> So what protection is due human beings — for example, the unborn or the very old and ill — who cannot demonstrate such capabilities? *Belmont* answers, "Respect for the immature and incapacitated *may require protecting them* as they mature or while they are incapacitated" (emphasis mine).<sup>52</sup> In other words, there is the *possibility* that one would be required to protect immature and incapacitated human beings from harm, but *not* the *necessity*. Such

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April 1979); available from <http://www.nih.gov/grants/oprr/humansubjects/guidance/belmont.htm>; Internet; accessed 20 March 1999, at section B.1.

The word "respect" requires analysis. Section B.1 of *Belmont*, which sets forth the first ethical principle, uses the word "respect" or "respecting" a full ten times, in the context of "respect for persons," but without explicit definition. At least two interpretive possibilities exist. According to Meaning A, respect for persons would mean *highly esteeming* every person, regarding *all* people as inherently possessing high and equal value. In the phrase "respect for persons," Meaning A interprets "respect" in a higher sense and as being logically prior to "persons." First one determines the high regard due all people, and then one puts this regard into practice with actual persons. According to Meaning B, respect for persons would mean *properly esteeming* every person, regarding *each* individual in a way which is appropriate for that individual. In the phrase "respect for persons," Meaning B interprets "respect" in a more neutral sense and as being logically secondary to "persons." First one determines the proper or appropriate regard due the individual, and then one puts this regard into practice.

Meaning B is by far the more reasonable reading on two counts. One, had *Belmont* intended Meaning A, it would certainly have noted explicitly this high regard for persons qua persons. Such is not the case. Two, section B.1 itself divides the concept of respect for persons into two — respect for those who are autonomous and respect for those who are not — and explicates "respect" differently for each. This structure demonstrates the logical priority of "persons" over "respect" and points to Meaning B. The bottom line is that in *Belmont*, respect for persons does not mean treating every individual with high regard because every individual is a human being. It means treating each individual with the regard that is proper for that individual, as determined by that individual's possession of autonomy. For a more detailed examination of the *Belmont* text which further supports this interpretation, see below, note 53.

<sup>51</sup>Ibid.

<sup>52</sup>Ibid.

human beings would require some level of protection only if their lack of full capabilities is temporary — assuming that the immature will mature, and that the incapacitated will recover.<sup>53</sup> Thus *Belmont* interprets the second half of its own first ethical principle, that

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<sup>53</sup>The *Belmont* text is clear in asserting that one may be required to protect the immature, and that this conditional requirement applies in the case of the immature while they are in the process of maturing. *Belmont* does not specify the conditions which must exist to make this requirement obtain. For example, is a pregnant woman required to protect her healthy, unborn, five-month-gestation-aged child, from harm? Maybe.

*Belmont*'s level of protection decreases yet further in the case of the immature who are not in the process of reaching maturation. Such individuals are completely omitted from even the conditional requirement of protection from harm. An anencephalic infant, a mentally retarded man at age forty, or perhaps even a graduate student overwhelmed with studies might well be incapable "of deliberation about personal goals and of acting under the direction of such deliberation." The logic of *Belmont* would suggest that if such individuals cannot come to attain such capabilities, then there is not even a conditional requirement to protect them from harm in human research.

The case of the very old and ill who are incapacitated is similar. Granted, the phrase "while they are incapacitated" hypothetically holds two interpretive possibilities. According to Meaning A, individuals who were once fully in possession of the specified human capabilities ought to be granted a level of protection from harm, from the point in time of the onset of their incapacitation forward, even if such incapacitation is not remedied prior to death. Meaning A interprets "while they are incapacitated" as meaning "if they are ever in the state of being incapacitated." According to Meaning B, individuals who were once fully in possession of the specified human capabilities ought to be granted a level of protection from harm while they are in the temporary condition of being incapacitated, such protection being contingent upon there being a reasonable expectation for recovery. Meaning B interprets "while they are incapacitated" as meaning "while they are in the personal (here, in the sense of temporary) state of being incapacitated." Students of grammar will notice within the deep structural context the question of *Aktionsart*: Meaning A posits a simple view of the action, while Meaning B posits a connective view of the action. Meaning B is by far the more reasonable reading on two counts. One, "while they are incapacitated" lies in grammatical parallel with "as they mature," which certainly presents a connective *Aktionsart*. Protection is to be granted the immature, provided they are on the way to *leaving* the state of being immature . . . not simply because they are *in* the state of being immature! Meaning B maintains this same interpretive direction. Two, the first basic ethical principle of *Belmont* sets forth respect for persons as the moral basis for protection from harm. This respect is *determined by an individual's possession of autonomy*, which autonomy is *defined in terms of human capabilities*. Meaning B is consistent with this principle, arguing for the protection of the incapacitated based on their potential for regaining their capabilities in the future. Meaning A suggests a foundational principle not found in *Belmont*: that the strong ought to protect the weak.

“persons with diminished autonomy are entitled to protection,” as referring to only some of the human beings which cannot demonstrate the specified capabilities. The door is left wide open for a differentiated valuation of human life, which, in the context of the priority of the autonomous, is the same as an arbitrary valuation of human life. *Belmont* implies that certain individuals who cannot demonstrate specific capabilities — namely, those individuals who are not on the road to leaving their state of immaturity or incapacitation — possess a lower moral status, and deserve either lesser, or no, protection from harm.

The other two basic ethical principles in *Belmont*, beneficence and justice, are also developed in such a way as to allow for the practice of granting certain individuals a lesser degree of protection from harm than others. For example, in discussing the ambiguities of beneficence, *Belmont* does not condemn the practice of research on children that presents “more than minimal risk without immediate prospect of direct benefit to the children involved. Some have argued that such research is inadmissible, while others have pointed out that this limit would rule out much research promising great benefit to children in the future. Here again, as with all hard cases, the different claims covered by the principle of beneficence may come into conflict and force difficult choices.”<sup>54</sup> This implies that the obligation to secure the well-being of the many may outweigh not only the obligation to secure the well-being of the few, but also the obligation to protect the few from harm. Similarly, in discussing the ambiguities of justice, *Belmont* asks, “Who is equal and who is unequal? What considerations justify departure from equal distribution? Almost all commentators allow that distinctions based on experience, age, deprivation, competence, merit and position do sometimes

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<sup>54</sup>*Ibid.*, section B.2.

constitute criteria justifying differential treatment for certain purposes.”<sup>55</sup> In other words, people may be equal theoretically, but in practice differences in capabilities do justify an unequal distribution of suffering and harm.

#### **b. Human Capabilities as Determinative of Moral Status**

With the official codes of medical practice having evolved so as to support autonomy and the differentiated valuation of human life, many bioethicists have picked up where the codes has left off. Practitioners of moral analysis have pointed to any number of human capabilities as determinative of fully human moral status. Generally, they have argued that it is in society’s best interests both to regard those who lack the essential capability or capabilities as possessing lesser (less than fully human) moral status, and to act toward them accordingly.

Such arguments stand in the tradition of Charles Darwin’s evaluation of modern society. For Darwin, the sine qua non of fully human moral status is vigorous health. He laments the fact that civilization has developed in such a way as to undercut natural selection and its elimination of the weak. “With savages, the weak in body or mind are soon eliminated; and those that survive commonly exhibit a vigorous state of health. We civilized men, on the other hand, do our utmost to check the process of elimination; we build asylums for the imbecile, the maimed, and the sick; we institute poor-laws; and our medical men exert their utmost skill to save the life of every one to the last moment.”<sup>56</sup> To treat all people the

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<sup>55</sup>Ibid., section B.3.

<sup>56</sup>Charles Darwin, *The Descent of Man and Selection in Relation to Sex* (2d ed., n.p., 1874; reprint, Chicago: Rand, McNally, 1974), 130-131, quoted in Zaner, “Reflections on Cloning,” 129.



same — to protect all from harm equally, to treat all with beneficence equally, especially to encourage all to procreate — weakens the very fabric of humanity and is “highly injurious to the race of man.”<sup>57</sup>

For Nazi medical doctors and eugenicists, the specified human capability determinative of fully human moral status was participation in a chosen race or nation.<sup>58</sup> Only Aryans rated full protection from harm and full access to health care resources. Others received either lesser protection from harm, or were completely expendable in human experimentation. With the keen insight that war often brings, Dutch physicians protested such Nazi regulations precisely on the grounds that participation in a chosen race or nation was replacing respect for life and individual well-being as the first principle of medical care.

Our knowledge of the German “physicians’ ordinance” concerning the task of the physician in which the care for race and nation take precedence over that of the individual, makes it only too clear to what extent the national-socialistic conception of the medical profession differs from ours.

Although we do not deny that the care of the community and the participation in social hygiene measures constitute part of the task of the physician, we can recognize this duty only insofar as it proceeds from and is not in conflict with the first and holiest precept of the physician, namely, the respect for life and for the physical well-being of the individual who entrusts himself to his care.<sup>59</sup>

Recent bioethicists have pointed to other capabilities as determinative of moral status.

Joseph Fletcher has suggested a tentative human “profile” involving fifteen positive and five

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<sup>57</sup>Ibid., quoted in Kurt Bayertz, *GenEthics: Technological Intervention in Human Reproduction as a Philosophical Problem*, trans. Sarah L. Kirby (Cambridge: Cambridge University Press, 1994), 42.

<sup>58</sup>See Annas and Grodin, eds., *The Nazi Doctors and the Nuremberg Code*, passim.

<sup>59</sup>Conrad W. Baars, “Dutch Physicians’ Protest against Nazi Regulations,” *Child and Family* 11, no. 2 (1972): 171-172, quoted in Overduin and Fleming, *Life in a Test-Tube*, 200.

negative criteria.<sup>60</sup> Among these criteria are a sense of futurity, control of existence, curiosity, and man as “not non- or anti-artificial.” Fletcher then draws inferences from his criteria, aimed at helping bioethics “get down to cases — to normative decisions.” For example, that humanity is “not non- or anti-artificial” implies that “a test-tube baby would be more human than one resulting from sexual roulette.” Individuals who do not meet the criteria are deemed to be less than “truly human.”

Building on the interest principle of Joel Feinberg, Bonnie Steinbock has proposed that the human capability to perceive what is in one’s interest is the human capability determinative of moral status.<sup>61</sup> Unless a human being is verifiably sentient — able to think, be self-aware, feel pain — that human being does not possess human moral status. This means that all non-sentient humans have no actual interests, and that they may be killed, ironically, “without being harmed.” This holds true, for example, for healthy mid-second-trimester fetuses, anencephalic infants, and also a few severely handicapped children whose

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<sup>60</sup>Joseph Fletcher, “Indicators of Humanhood: A Tentative Profile of Man,” *Hastings Center Report* 2, no. 5 (1972): 1-4.

<sup>61</sup>Joel Feinberg, “The Rights of Animals and Unborn Generations,” in *Philosophy and Environmental Crisis*, ed. William T. Blackstone (Athens, GA: University of Georgia Press, 1974), 43-68, provides the foundation for Steinbock’s first chapter, “The Interest View,” in *Life before Birth*, 10-41.

If my analysis is correct, Steinbock’s argument is both circular and unfounded. First, her argument is circular. The major premise is: Individuals who have interests have human moral status. The minor premise is: To have interests, one must have self-awareness and the ability to sense pain. The conclusion is: Only individuals who have self-awareness and the ability to sense pain have human moral status. The problem is that the minor premise is merely a definition contained within the major premise, so that the conclusion establishes only the major premise. Second, her argument is unfounded. Although it attempts to distinguish between “interest” and “interests,” it fails to establish its underlying claim that nothing can be in a human being’s best interests unless he or she can perceive it as being in his or her best interests.

lives are so filled with pain that they would be “better off dead.”<sup>62</sup> Nonetheless, the interests of future sentient people do exert a moral claim on present humanity regarding environmental issues.<sup>63</sup> Sentience alone determines the value of a human life, its right to life, and its moral claims on humanity.

Mary Briody Mahowald is another representative of the bioethical tradition which asserts a differentiated valuation of human life. For Mahowald, the moral status of an individual is determined by the individual's capability to participate in a close or kin relationship with the person valuing the individual. The highest moral principle for human action is the distribution of equal shares of resources to those who participate in the closest relationships.<sup>64</sup> Such close relationships assume, in turn, the ability to reason and communicate.<sup>65</sup> Different individuals, therefore, ought to receive different levels of support or protection from harm. A mother may actually be more “pro-life” if she *does* abort her unborn child, if she is convinced that giving birth to the child will greatly compromise her ability to care for the other children she already has.<sup>66</sup> At the other end of life, because mental and physical incapacitation greatly affects relationships, “quality of life is a legitimate consideration for those who make decisions about extending life.”<sup>67</sup>

A variety of other human capabilities have been suggested as being determinative of

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<sup>62</sup>Ibid., 7, 35, 69.

<sup>63</sup>Ibid., 37.

<sup>64</sup>Mahowald, *Women and Children in Health Care*, 12.

<sup>65</sup>Ibid., 14.

<sup>66</sup>Ibid., 60-63.

<sup>67</sup>Ibid., 7.

moral status. Judith Jarvis Thomson has argued for a lower valuation of the lives of the unborn because they are unable to provide a place for themselves in which to live. Abortion can be morally permissible because an unborn child does not have an unconditional right to a mother's womb for nine months.<sup>68</sup> Laurence McCullough suggests that because no agreement can be found on what capabilities determine fully human moral status, clinically it is best to consider both the fetus and the young child as possessing a lower or dependent moral status, up to the age of two, when virtually all bioethicists would be willing to grant independent moral status. Such dependent moral status is "dependent" on whatever "links" are needed to survive long enough to achieve fully human moral status — in the case of the fetus, to two years of age.<sup>69</sup> The net result is that, although McCullough does not specify which capabilities are determinative of moral status, he ends up affirming a differentiated valuation of human life against (at least) the very young, even if this is couched in descriptive rather than prescriptive terms.

### **3. Arbitrary Valuation of Human Life as a Dehumanizing Force**

The differentiated, and even arbitrary, valuation of human life has come to the field of modern bioethics. The historical ascendancy of autonomy over heteronomy within the western moral tradition has resulted in significant changes within the official codes of medical

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<sup>68</sup>"I am arguing only that having a right to life does not guarantee having either a right to be given the use of or a right to be allowed continued use of another person's body — even if one needs it for life itself." Judith Jarvis Thomson, "A Defense of Abortion," *Philosophy and Public Affairs* 1, no. 1(1971): 47-66. Reprinted in *The Problem of Abortion*, ed. Joel Feinberg (Belmont, CA: Wadsworth Publishing Company, 1973), 121-139, at 130.

<sup>69</sup>For example, for the previable fetus, two links exist, "viability and the autonomous decisions of the pregnant woman regarding the previable fetus." McCullough and Chervenak, *Ethics in Obstetrics*, 101.

practice. The previous emphasis on heteronomy and on only caring and never harming has given way to an emphasis on autonomy and differentiated valuation of human life. Some bioethicists, for their part, have suggested various capabilities as being determinative of human moral status, in an attempt to facilitate moral discernment and direction in difficult bioethical issues.

But if the shift to a differentiated, and even arbitrary, valuation of human life has come to bioethics, it has not come without its cost. Such valuation has proved to be a dehumanizing force, enervating human solidarity and destroying human life.

#### **a. Enervation of Human Solidarity**

First, differentiated and arbitrary valuation of human life has enervated human solidarity by promoting wrongful discrimination based on age, capability, strength, and ideology. If in the present milieu it is roundly condemned to regard one class of human beings as inferior to another — racism, sexism, classism, nationalism are considered evils — bioethics is generally granted an exception: ageism.<sup>70</sup> The very young and the very old, who cannot practice self-determination and reflective thinking as an adult in his or her prime would, are accorded lesser protection from harm and fewer rights within the health care system. Indeed, certain lives are considered expendable, as noted above. This ageism is founded upon discrimination based on capability. Such discrimination is at home in a

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<sup>70</sup>Ageism expands Overduin's category of natalism, to include both ends of the spectrum of life. Overduin and Fleming, *Life in a Test-Tube*, 124. John T. Noonan, Jr.'s review of the historic rejection of abortion is framed in terms of the question, "Can age be the determinant of humanity?" John T. Noonan, Jr., "An Almost Absolute Value in History," in *The Morality of Abortion: Legal and Historical Perspectives*, ed. John T. Noonan, Jr. (Cambridge, MA: Harvard University Press, 1970), 1-59, at 2.

capitalism gone afoul, which values people not because they are individual members of the human race, but because they can demonstrate a certain capability or achieve a level of usefulness. Discrimination based on capability in turn promotes discrimination based on strength. Differentiated valuation of specific human lives, in the context of the priority of autonomy, promotes the rule of the strong over the weak. The interests of the weak are simply not in view, neither are they guarded, when the normative bioethical bases for protecting oneself and one's interests are that one is a self and that one has the interests that one has.

Arbitrary valuation of human life in bioethics also promotes discrimination based on ideology. William Galston has argued that whereas liberalism is properly "about the protection of diversity, not the valorization of choice," the postmodern principle of autonomy has reversed the equation. "In the guise of protecting the capacity for diversity, the autonomy principle in fact represents a kind of uniformity that exerts pressure on ways of life that do not embrace autonomy."<sup>71</sup> In other words, medical personnel may mean well when they suggest to a woman who is pregnant with a "defective fetus" that it would be best to abort the child and save him or her from a life of pain. They may mean well when they suggest to a son whose widowed mother is terminally ill and unconscious that it would be best to remove the feeding tube and save her from prolonged suffering in a life that doesn't mean much. A thousand more subtle means of coercion might also be cited. But the supremacy of autonomy and of relative moral status within bioethics today does result in pressure on and discrimination against all those who, ordering their lives under a different, heteronomous

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<sup>71</sup>William Galston, "Two Concepts of Liberalism," *Ethics* 105, no. 3 (1995): 516-534, at 523.

principle, doggedly receive life per se as gift or blessing.

By promoting discrimination based on age, capability, strength, and ideology, the concept of graded moral status within bioethics *undercuts* any notion of solidarity which binds together all of humanity. But beyond merely undercutting, this concept of graded moral status also *attacks* the idea of human solidarity. This concept rejects as morally vicious the judgment which holds that it is virtuous to so act that *all* humans are treated as deserving equal respect and protection from harm; some humans must be excepted. For example, if sentience is definitive of fully human moral status, it is unjust to give to both the presentient fetus and the sentient fifty year old woman equal access to limited health care resources. The same could be said regarding other capabilities considered to be morally determinative.

Such an attack on the solidarity of the human race is, at its root, nothing less than an attack on the metaphysical unity of every human being. It requires a bifurcation of the individual — the separation of the biological human from the moral human. Every argument for a specified, determinative capability must necessarily reject the claim that all those who possess the human genetic code are truly human.

If my analysis is correct, this is the point behind John T. Noonan, Jr.'s comment that "a being with a human genetic code is man." Noonan's point is not that a fetus is fully human — with an inherent right to life — because he or she has the human genetic code. Rather, Noonan is arguing that because a fetus has the human genetic code he or she is just like us, or at least just like us when we were that age. For Noonan, the shared genetic code serves as compelling evidence, but not as the sum and substance, of a human solidarity that actually exists. Indeed, Noonan's purpose is to document a trans-historical sense of human solidarity that has served as the basis for the respect for life historically in both religious and humanistic

communities. In weighing the rights of fetuses and other humans, it was the sense of human solidarity that provided the deontological rules. Within Christian communities, "It was the injunction of Scripture to love your neighbor as yourself. The fetus as human was a neighbor; his life had parity with one's own." The humanistic version was, "Do not injure your fellow man without reason. In these terms, once the humanity of the fetus is perceived, abortion is never right except in self-defense."<sup>72</sup> This sense of human solidarity is similarly the operative concept behind the "sacred condominium" of George Huntston Williams.<sup>73</sup>

In attacking human solidarity — both at its foundation in the metaphysical unity of the individual, and at its expression in *every* human considered as "neighbor" or "fellow man" — the differentiated and arbitrary valuation of human life is clearly dehumanizing. Indeed, a compelling argument could be made that where autonomy and differentiated moral status reign, there the social vision of caring for "neighbor" and "fellow man" devolves into what

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<sup>72</sup>Noonan, "An Almost Absolute Value," 57-58. Noonan adds, "When life must be taken to save life, reason alone cannot say that a mother must prefer a child's life to her own. With this exception, now of great rarity, abortion violates the rational humanist tenet of the equality of human lives.

For Christians the commandment to love had received a special imprint in that the exemplar proposed of love was the love of the Lord for his disciples. In the light given by this example, self-sacrifice carried to the point of death seemed in the extreme situations not without meaning. In the less extreme cases, preference for one's own interests to the life of another seemed to express cruelty or selfishness irreconcilable with the demands of love." Ibid., 58-59.

<sup>73</sup>For Williams, the occupied womb demonstrates human solidarity. "Fundamental in the condominium is the recognition that the mother or the two progenitors are corulers constituting with the state a joint protectorate over the new life." Williams conceives of the principle of the "sacred condominium" as serving as a foundation in law for "an integrated movement forward in the evolution of both fetal rights and the rights of women and parents." George Huntston Williams, "The Sacred Condominium," in *The Morality of Abortion: Legal and Historical Perspectives*, ed. John T. Noonan, Jr. (Cambridge, MA: Harvard University Press, 1970), 146-171, at 169-171.



Werner Herzog has depicted as *Jeder für sich und Gott gegen alle*.<sup>74</sup>

#### **b. Destruction of Human Life**

Yet if it is dehumanizing to enervate human solidarity, how much more dehumanizing it is literally to de-humanize — to destroy actual human life! Nonetheless, proponents of arbitrary valuation of human life defend just such de-humanization.

Capability-based moral analysis establishes two related, but separate arguments to justify the taking of “lesser” human life. First, the rights of individuals deemed to possess fully human moral status are said to outrank the rights of individuals possessing less-than-fully-human moral status. In the context of conflicting rights or competition for limited health care resources, “true” humans are therefore within their rights when they exercise those rights — rights to autonomous expression, rights to privacy, or rights to receive greater protection from harm or greater access to health care resources — even if the exercise of such rights means that “lesser” humans must die.<sup>75</sup> Second, the quality of the lives of individuals deemed to possess fully human moral status is said to surpass the quality of the lives of individuals possessing less-than-fully-human moral status. In the context of such perceived gradations

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<sup>74</sup>*Every Man for Himself and God against All* is Werner Herzog’s film about the enigmatic Kaspar Hauser. Kaspar Hauser, an historical figure, was discovered in a town square in Nürnberg in 1828, unable to speak, read, or write, and he could only barely walk, even though he appeared to be a fairly healthy sixteen year old. Docile and completely ignorant, yet evidently possessing of great intelligence, Kaspar Hauser learned quickly, although the townspeople accorded him less-than-fully-human moral status. He endured cultural indoctrination, scientific experimentation, and profound mistreatment, up until the time of his mysterious murder in 1833. *Jeder für sich und Gott gegen alle* won the 1975 Grand Special Jury Prize at the 28th International Film Festival Awards in Cannes. Ulrich Struve, *Mythos und Mißhandlung: Ulrich Struve über Kaspar Hauser*; available from <http://www.literaturcafe.de/bf.htm?/kaspar/biblio.htm>; Internet; accessed 2 April 1999.

<sup>75</sup>For example, see Thomson at note 68.

in quality of life, the second argument insists that in cases where the quality of life is radically "lesser" — lives without self-reflection or "meaning" or hope of recovery, or lives racked with extraordinary pain — it is compassionate to extinguish such "lesser" lives.<sup>76</sup>

In the fallout of the exercise of such "rights" and "compassion," real, human lives are destroyed: healthy but preconscious fetuses, "defective" fetuses, anencephalic newborns, severely handicapped children living in pain, (possibly) permanently unconscious teenagers who have otherwise recovered from automobile crashes, middle-aged men and women suffering from leukemia, unconscious stroke victims, the very weak who require feeding tubes for ordinary sustenance, the very old who neither recognize family members nor are able to control basic bodily functions, and the list continues. To such a catalog of human victims must be added all those other lives in similar straits — those do not meet the capability threshold for full moral status in the eyes of the individual who has the power directly or indirectly to terminate the life and who chooses to do so.

Nor can objection to such killing be written off simply as a religious viewpoint, or as personal, moral preference. In commenting on *Roe v. Wade*, Harold Edgar argues that the community at large has the strongest interest in protecting human life from intentional destruction:

For me the hardest point is the obvious one. Why does the Constitution preclude subordinating the woman's claims, . . . to community concern for the fetus? . . . *Protection of life against intentional destruction is the point around which our strongest legal sanctions cluster.* And may people believe the fetus at some age to be a member of the human community, and entitled to the community's protection even against the acts of its parents. Such beliefs . . . may not be reasoned away as derived from religion, or by saying that people who hold them need not seek abortions. Most people would not tolerate individual choice about prompt infanticide, and

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<sup>76</sup>For Steinbock, certain people are "better off dead." For Mahowald, "quality of life" is as legitimate factor in deciding whether to continue or end life. See notes 62, 67.

yet the same two objections to community concern might be made (emphasis mine).<sup>77</sup>

#### 4. Summary

Above we have examined how autonomy has come to be a dehumanizing force within bioethics. The ascendancy of autonomy over heteronomy within western moral philosophy has led to a differentiated and arbitrary valuation of human life. Capability-based moral analysis has enervated human solidarity and destroyed human life. Whether motivated by the “superior” rights of “true” humans or by “compassion” for “lesser” humans, arbitrary valuation of human life has used its own standard to indicate those within humanity whose lives are less meaningful or not meaningful at all. On the generation, as well as the duration, end of life, the force of arbitrary human valuation at its worst urges that if the duration of “lesser” human life can be shortened, then such life ought to be shortened . . . perhaps even to the point of being terminated immediately. Candidates for termination include all humans who fail to meet the capability threshold for full moral status in the eyes of the individual who has the power directly or indirectly to terminate the life. In this way, the force of autonomy has greatly complicated moral discernment in the bioethical issues which obtain at both ends of life.

#### C. The Fog of Bioethics Revisited

In chapter one, we began with the metaphor of fog. Fog occurs when the two forces of warm air and cooler air collide near the earth’s surface with water vapor suspended in

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<sup>77</sup>Harold Edgar et al, “Abortion: The New Ruling,” *Hastings Center Report* 3, no. 2 (1973): 4-7. Reprinted in Feinberg, *Problem of Abortion*, 188-196, at 190.

between. Visibility is reduced. A fog has formed within bioethics today because the two forces of technology and autonomy — or, more precisely, biotechnology and arbitrary valuation of human life — have collided, with humanity suspended in between. Moral discernment regarding bioethical issues has become clouded and moral consensus elusive, especially regarding those issues clustered at the generation and duration ends of life.

Admittedly, each force by itself has proved to be problematic. I have argued that the effect of biotechnology, when viewed and applied as an intrinsic good, has been to blur traditional notions of human life, death, and relationships. I have also argued that the effect of the arbitrary valuation of human life has been to undermine human solidarity and to relativize the value of human life.

Yet the fog which has rolled in, in the field of bioethics, is much more than the sum of the effects of these two forces individually. Just as meteorological fog is caused not by the mere existence, but by the collision, of warm air and cooler air, so also the moral fog enveloping bioethics has been caused not by the mere existence, but by the collision, of the forces of biotechnology and arbitrary valuation of human life. The problem of moral discernment has been compounded radically by the fact that the ideological forces of biotechnology and arbitrary human valuation collide — they are at odds with each other. The force of biotechnology is oriented toward *extending* life at both its end. It seeks to create or produce life apart from natural sexual reproduction, and it questions whether death is the necessary condition of life. The force of arbitrary human valuation is oriented toward *shortening or terminating* life at both its ends. It threatens individuals who fail to meet the capability threshold for full moral status. In actual bioethical dilemmas, these two forces clash. Each aims at moral resolution by pointing in an opposite direction. Furthermore, each

promises moral discernment in terms of a different, but equally dehumanizing vision of humanity. Caught in the middle are people struggling to make hard medical decisions, being pulled in contradictory directions, without being offered a vision of humanity which addresses positively the fullness of the human condition, which includes both living and dying. The forces of biotechnology and arbitrary human valuation have collided, with humanity suspended in between.

#### **D. Life and Death as Blessing**

It is the thesis of this paper that only by affirming simultaneously the concepts of life-as-blessing and death-as-blessing can bioethics overcome the dehumanization operative within the forces of biotechnology and arbitrary human valuation, and provide a moral foundation which takes seriously the fullness of the human condition. Life must be considered as more than biotechnological fabrication, human capability, or unpurposed process; life-as-blessing considers life as a gift, to be received as a good. Death must be considered as more than biotechnological challenge, sheer evil, or mere inevitability; death-as-blessing considers death as a gift, also to be received as a good.

Such a perspective can help those who are wrestling with bioethical issues because it embraces the fullness of the human condition:

On the generation end of life, the concept of life-as-blessing repels the dehumanizing attacks of biotechnology-as-intrinsic-good and of arbitrary human valuation. Life-as-blessing elevates the ontological status of every human being from technological product to related individual — unique, but still joined to others through the shared gift of life. Life-as-blessing also liberates humanity conceptually from all forms of discrimination (and termination) based

on personal achievement or capability by recognizing a natural, fully human endowment, shared by all through the gift of life.

On the duration end of life, the concept of death-as-blessing beats back the dehumanization of biotechnological faith, and the concept of life-as-blessing wards off the dehumanization of arbitrary human valuation. In the case of the former, the attempted denial of death gives way to the acceptance of death, admittedly as the occasion of grievous loss, but even more as the realization that in some way life transcends the sum total of our personal days on earth. In the case of the latter, again, the destruction of human solidarity and human life comes to an end conceptually as every human life is received as gift, within the bonds of the human family.

Failure to hold simultaneously both concepts — life-as-blessing and death-as-blessing — on the duration end of life inevitably tilts the moral scales in favor of either biotechnological ideology or arbitrary human valuation. To assert only that life is to be received as a blessing plays into the hands of those who maintain that biotechnology is an intrinsic good. Death becomes the utterly dehumanizing enemy which must be denied, fought, and forestalled down to the last calorie of human energy. To assert only that death is to be received as a blessing plays into the hands of the advocates of arbitrary human valuation. Life becomes the occasion for those who are “fully human” to exercise their rights over those who are “lesser,” or to show “compassion” toward those who are “lesser,” by ushering in the blessing of death for those “lesser” ones. Only by holding both truths in tension — that both life and death are blessings — can the dehumanization inherent in the two positions be avoided.

Only by affirming simultaneously the concepts of life-as-blessing and death-as-blessing

can bioethics bring moral clarity, direction, and support to those who struggle with the difficult questions of medical ethics at both the generation and the duration ends of life.

### **E. Questions**

The text of the thesis immediately raises the question of context. At least three sets of questions come into play: (1) What religious and philosophical traditions already possess concepts of life-as-blessing and death-as-blessing? What traditions hold related concepts? (2) Within each such tradition, what does it mean to affirm life-as-blessing and death-as-blessing? If life-as-blessing depicts life as a gift, to be received as a good, in what sense may life be called a good? Similarly for death-as-blessing, in what sense may death be called a good? (3) What do each tradition's concepts of life-as-blessing and death-as-blessing imply regarding moral judgments to be made in actual medical cases at both ends of the spectrum of life? Is each tradition able to address problematic moral issues, while avoiding the dehumanization associated with both biotechnology-as-intrinsic-good and arbitrary human valuation?

With respect to the first set of questions, the best that can be done within the limits of this paper is to analyze and evaluate in brief two different traditions. Chapter three offers a philosophical construal in the work of Hans Jonas. As bioethics presents problems which are in many ways distinctively modern, we begin with a modern philosopher. Chapter four offers a theological construal in the work of Martin Luther. We then move backward in time, in an attempt to bring forward some classical religious insights into the modern era.

Against the backdrop of the second and third sets of questions, we now turn to Hans Jonas and his vision of moral discernment, as it relates to life and death.

## CHAPTER III

### HANS JONAS'S CONCEPT OF MORTALITY AS BURDEN AND BLESSING

#### A. Analysis

In the third chapter of *Mortality and Morality: A Search for the Good after Auschwitz*, Hans Jonas sets forth the proposition that “death is coextensive with life.”<sup>1</sup> For Jonas, mortality is an attribute of life. Every creature that lives also dies. In fact creaturely life is mortal in a two-fold sense. Not only *can* every creature die, but in the end every creature also *must* die. Life means not only being “exposed to the constant possibility of death,” but also being “destined for the ultimate necessity of death” (87).

On the basis of these two meanings of mortality, Jonas offers a two-pronged thesis: Mortality, as an essential attribute of life, is both burden and blessing. The continual possibility of death is the burden of life. The certainty, or ultimate necessity, of death is the blessing of life. We turn first to mortality as the burden of life.

#### 1. Mortality as the Continual Possibility of Death — the Burden of Life

##### a. Ontology

By way of ontology, Jonas asserts that the ever-present possibility of death inheres

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<sup>1</sup>Hans Jonas, *Mortality and Morality: A Search for the Good after Auschwitz*, ed. Lawrence Vogel (Evanston, IL: Northwestern University Press, 1996), 87. Our analysis and evaluation pay special attention to chapter three, “The Burden and Blessing of Mortality,” 87-98. Due to frequency of reference, *Mortality and Morality* is hereafter cited in text by page number only.



in life. Jonas distinguishes nonliving things from living things by using the categories of being and doing. Nonliving things — protons, molecules, stones — simply exist; they have being without doing. Organisms also exist, but they have their being only by virtue of their doing. Living things remain living things only through the actualization of doing. Being for organisms “consists in doing what they have to do in order to go on to be. It follows directly that to cease doing it means ceasing to be” (88). The potential for death lies in the very constitution of life.

Biologically Jonas identifies the doing which life does with metabolism. Metabolism is life’s defining characteristic. All living things “exist by way of exchanging matter with the environment, transiently incorporate it, use it, excrete it again” (88-89). This is what distinguishes living things from nonliving things. Inorganic matter simply remains fixed in its existence, without any doing, in the sense that a proton exists as “a single, stubborn particle” (89).

In Jonas’s view, life’s defining characteristic of metabolism creates a paradox with respect to the identity of every living thing.

On the one hand, the living body is a composite of matter, and at any one time its reality totally coincides with its contemporary stuff — that is, with one definite manifold of individual components. On the other hand, it is not identical with this or any such simultaneous total, as this is forever vanishing downstream in the flow of exchange; in this respect it is different from its stuff and not the sum of it (89).

Here we find both freedom and necessity regarding an organism’s identity. There is *freedom*, for an organism exists as itself without being limited to the exact matter it possesses at any given moment. The organism’s matter changes, but the organism continues to exist as itself. Nonetheless, this very freedom of the organism with respect to its substance implies simultaneously a need or *necessity* for external matter. Without the continued exchange of

matter from outside of itself into itself, the organism dies.

This means that, unlike the atom, living things can never be self-sufficient. The freedom of organisms to use the world is paradoxically reversed in the necessity of having to use it.

It is precisely at this point of nonautarky — organisms having to depend on that which is outside of themselves — that Jonas finds the first hint of value in life. Threatened by non-being, life must affirm its existence as a concern. That which is organic finds itself “hovering between being and non-being. The ‘not’ lies in wait and must be averted ever anew” (90). For living things, therefore, being is not a static remaining, but a dynamic struggling to overcome the threat of non-being.

Emancipated from the identity with matter, life is yet in need of it; free, yet under the whip of necessity; separate, yet in indispensable contact; seeking contact, yet in danger of being destroyed by it and threatened no less by its want — imperiled thus from both sides, importunity and aloofness of the world, and balanced on the narrow ridge between the two. . . . The fear of death, with which the hazard of this existence is charged, is a never-ending comment on the audacity of the original venture upon which substance embarked in turning organic (90).

#### **b. A Question of Purpose**

If life is inextricably bound up with death, if death is a continual threat, if life continues only by struggling against the forces of non-being, if life always fails in the end and is swallowed up by death — Jonas asks the question of purpose. “Why leave the safe shore of self-sufficient permanence for the troubled waters of mortality in the first place” (90)?

Jonas ventures two speculative answers. First, Jonas posits that with the move to the organic came the gain of self-affirmation. Only by confronting ever-possible non-being, only by saying “yes” to its own continued existence, only by clinging to itself could being come to

value itself. Perhaps one might even say that within the evolutionary process mortality was the crack through which value slipped, into a universe previously undifferentiated with respect to value. "Is it too much to conjecture that in the cosmically rare opportunity of organismic existence, when at last it was offered on this planet by lucky circumstance, the secret essence of Being, locked in matter, seized the long-awaited chance to affirm itself, and in doing so, to make itself more and more worth affirming" (91)?

Second, Jonas suggests that with self-affirmation mortality also brought the gain of the capacity for feeling. Self-affirmation implies a subjective inwardness whereby some thing makes an affirmation concerning itself. Thus, mortality brings to being the capacity to "feel" itself. For Jonas such feeling is a tremendous gain, justifying mortality's troubled waters. "The presence of feeling as such, whatever its content or mode, is infinitely superior to the total absence of it. Thus, the capacity for feeling, which arose in organisms, is the mother-value of all values" (91).

### **c. A Question of Balance**

The question of purpose leads Jonas to the question of balance. It is one thing to conjecture that gains of self-affirmation and of capacity for feeling accrued in the movement from inorganic permanence to organic mortality. It is another thing to ask whether or not, in the final analysis, it was worth it. Does the gain balance out the loss?

The gain is double-edged, like every trait of life. Feeling lies open to pain as well as to pleasure, its keenness cutting both ways; lust has its match in anguish, desire in fear; purpose is either attained or thwarted, and the capacity for enjoying the one is the same as that for suffering from the other. . . . Is it, in the balance, still a gain, vindicating the bitter burden of mortality to which the gift is tied, which it makes even more onerous to bear (92)?

Jonas says "yes," defending his answer on two grounds. First, Jonas argues that the leap to life outweighs its burden of mortality, because the result of the leap is that that which exists now is vastly superior to that which existed before the leap. Jonas begins with the assertion that everything that evolves bespeaks some kind of survival advantage. This implies that also the evolution of consciousness yielded a survival advantage. Yet, how can this be, for consciousness is by its very nature a subjective inwardness, and materialistic evolution maintains an entirely physical series of causes and effects? For Jonas the only possible solution is to admit that consciousness "is (to a degree) causally effective in governing our behavior, therefore indeed eligible for natural selection as one more *means* of survival" (93).

This very admission changes the nature of the thing which is now struggling to survive, making consciousness also an *end* in the survival of living creatures. The phrase "survival of the fittest" leads us to ask, "Survival of what?"; consciousness is necessarily part of the answer. "The feeling animal strives to preserve itself as a feeling, not just metabolizing, creature. . . . Even the sickest of us, if he wants to live on at all, wants to do so thinking and sensing, not merely digesting" (93). Without this subjective inwardness, evolution would have produced much less, and there would be much less for evolution to preserve. Subjective awareness argues that it itself is worth the move from inorganic permanence to organic mortality.<sup>2</sup>

Second, Jonas argues that even if the sum of all the misery in the living world would turn out to be greater than the sum of all the happiness therein, this would not invalidate the worth of awareness, gained at the cost of mortality. What is decisive in the "balance sheet"

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<sup>2</sup>Here Jonas is asserting that the move to self-awareness was a move to self-valuedness. Critically, one must ask if Jonas is advancing an idea other than the patent self-valuedness of all that is self-aware.

argument is the viewpoint of those who unluckily suffer the most in life. In such cases, Jonas suggests, "we find that almost no amount of misery dims the 'yes' to sentient selfhood. Greatest suffering still clings to it, rarely is the road of suicide taken, never is there a 'survival' without feeling wished for" (93).

And that is not all. Not only does human inwardness affirm itself and survive in the difficult balancing act of suffering over against happiness, but it also rebels at the very idea of being judged on such grounds. For Jonas, hedonism is not an appropriate basis for making a metaphysical judgment concerning consciousness.

The presence of any worthwhileness in the universe at all — and we have seen that this is bound to feeling — immeasurably outweighs any cost of suffering it exacts. Since it is in the last resort mortality which levies that cost, but is equally the condition for such to exist that can pay it, and existence of this sort is the sole seat of meaning in the world, the burden of mortality laid on all of us is heavy and meaningful at once (94).

## **2. Mortality as the Certainty, or Ultimate Necessity, of Death — the Blessing of Life**

We have seen that, on one side of the coin of mortality, Jonas finds the continual possibility of death. Death as possibility is the burden of life, for it implies a lifelong struggle against non-being through acts of self-preservation. On the other side of the coin of mortality, Jonas finds the ultimate certainty of death. Death as certainty is the blessing of life, for it grants vitality and wisdom. What does this mean?

### **a. Death as a Certainty**

For Jonas, the certainty of death is established by evolution. Evolution, by way of the process of natural selection, creatively brings forth life. This life, however, can only arise out

of death. In other words, evolution dictates that every life *must* result in death, so that new life might arise. "For what else is natural selection with its survival premium, this main engine of evolution, than the use of death for the promotion of novelty for the favoring of diversity, and for the singling out of higher forms of life with the blossoming forth of subjectivity" (94-95)?

Evolution has established two kinds of causes of death — the extrinsic and the intrinsic. Extrinsic causes of death attack living things from the outside. Among such causes, foremost is "the merciless feeding of life on life" (95). Many lower species — sea anemones, bony fishes, and bivalve mollusks are but a few, diverse examples — are nonsenescent; they have their mortality determined solely through extrinsic causes. Extrinsic causes of death do, however, also touch higher species. Humans are no exception; they die prematurely because of the ravages of war, famine, and epidemic.

With respect to the higher biological orders, intrinsic causes of death assume significantly greater importance than extrinsic causes. Intrinsic causes of death attack living things from the inside, arising out of the process of *aging*. For example, all warm blooded animals, assuming they are not killed by extrinsic causes, will "grow old" and "die of old age." That is to say, they die according to a time limit set by their genetic programming, typical for their species.

Jonas notes that with the ascendancy of humanity over all other life forms, the intrinsic cause of death has come to account for the overwhelming majority of human deaths. More and more women and men die at the end of the aging process. This is especially true in "technologically advanced societies" (95). Indeed, technology and scientific medicine are not only allowing more people to reach the natural limit; they are also trying to push back the

limit itself.<sup>3</sup> For Jonas, this raises the question of “whether lengthening life indefinitely is a legitimate goal of medicine” (95). It is with this question in the foreground that Jonas turns to make the case that mortality itself is a blessing.

#### **b. Mortality as a Triple Blessing**

As much as death is a part of life, so is birth. Jonas borrows Hannah Arendt’s term “natality” (95) to refer to all that birth as such brings to life. Natality begins by bringing infants into the world, ensuring the survival of humanity by means of new additions. Natality also brings new energy and eagerness into the world, ensuring “that there will always be such who see the world for the first time, see things with new eyes, wonder where others are dulled by habit” (96). In this sense, natality conquers the boredom and routine of older humanity. Furthermore, natality brings unique identity into life, ensuring individuation within humanity.<sup>4</sup> To sum it up, natality brings into life nothing less than spontaneity and creativity.

Against the backdrop of the blessings of natality, Jonas conceives of death as making room for such new life. Death is necessary. The threat of overpopulation implies that the old

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<sup>3</sup>See above, chapter two, in section A.2, “Biotechnology as a Good,” 9, and especially note 14.

<sup>4</sup>Jonas traces the uniqueness of every newborn to the fact that the outcome of sexual reproduction is in every case genetically unique. At no time in human history, before or after, will a newborn’s genetic make-up be replicated. This cause of distinctive identity and individuation within the species Jonas finds to be one of the compelling reasons that humans should never be cloned (96). Unfortunately, Jonas offers no clarification of his rationale. Apparently to Jonas it is self-evident that because sexual reproduction produces distinctive identity, asexual reproduction by cloning, which would produce nondistinctive identity, must be rejected. Most likely, Jonas views cloning as endangering the engine of evolution, which he conceives of as the life force which has produced, and hopefully will continue to produce, the human race.

must die in order to make room for the young.<sup>5</sup> But more than the negative necessity of environmental limitation calls for death. The positive values of creativity and culture also call for death. "Whoever, therefore, relishes the cultural harvest of the ages in any of its many facets and does not wish to be without it, and most surely the praiser and advocate of progress, should see in mortality a blessing and not a curse" (96). For Jonas, this is the first sense in which mortality is a blessing. Mortality is a blessing for humanity as a whole,<sup>6</sup> because it makes room for natality with its many blessings.

Second, mortality is also a blessing for the individual. Jonas does admit that someone might easily question this assessment of mortality. After all, why is it a blessing for *every* particular human being to die? The fact that all cannot live forever on earth because of its limited resources does not mean that *some chosen few* should not escape death and live forever. Jonas even concedes that biotechnology may well come to the point of being able to actualize this possibility.

Such potentiality notwithstanding, this proposal of immortality-by-exception raises serious questions for Jonas. One set of questions addresses moral concern. Would not the mortal many resent the chosen few? Would not even the desire to be one of the chosen few be ignoble, violating "the breach of solidarity with the common mortal lot" (97)?

Setting aside this set of questions, there still remains a second set of questions, addressing egotistical concern. In the end, would an individual be happy living forever on

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<sup>5</sup>Technology should not tinker with "the naturally ordained, biological timing of our mortality" (96) in order to lengthen life. Jonas observes that such tampering with the human biological clock would give the young even less space in our aging society.

<sup>6</sup>Jonas points out that this does not curtail humanity's moral duty to combat extrinsic causes of death such as hunger, disease, and war (98).



earth? Would the addition of countless years to a life span bring difficulties unforeseen at the outset, but in the end serious enough to turn the dream of endless earthly life into a regrettable existence?

Jonas explores this latter concern by way of the Struldbrugs, the immortals described in Jonathan Swift's *Gulliver's Travels*. Contrary to his initial, optimistic expectations regarding unending life, Gulliver discovers that the life of the Struldbrugs is most miserable. Because they cannot die, their lives end up being worthless burdens to all — mortal and immortal alike. The Struldbrugs become unable to tolerate the company even of fellow-immortals. To add insult to injury, these immortals also experience the effects of old age and senility.

Although the difficulties of old age and senility would hypothetically be overcome by biotechnology's indefinite lengthening of life, it is in Swift's discussion of a related problem — memory loss — that Jonas finds the hint of an answer to the question of egotistical concern. Jonas quotes Swift's words and then makes his own comment.

“They have no remembrance of anything but of what they learned and observed in their youth and middle age.” This touches a point independent of senile decrepitude: we are finite beings and even if our vital functions continued unimpaired, there are limits to what our brains can store and keep adding to (97).

Even if biotechnology can trick the body into staying alive indefinitely, it cannot trick the brain into holding more than it is able.

Jonas asserts that this inherent limitation of the brain is manifested more and more with age. The longer the life, the longer the past. Personal identity itself is established as the mind brings the self, a product of its past, into a dynamic relationship with the present. This becomes increasingly difficult with age, as the mind must integrate an ever-increasing past

with an ever-changing present. The finitude of the human mind thus implies for Jonas a terminus with respect to the vitality of human life. "The simple truth of our finiteness is that we could, by whatever means, go on interminably only at the price of either losing the past and therewith our real identity, or living only in the past and therefore without a real present" (98).<sup>7</sup>

From this viewpoint, mortality is indeed a blessing for the individual. The egotistical concern agrees with the moral concern. The certainty that we will not be stranded on earth — neither alienated interminably from an unintelligible present nor severed existentially from our personal past — is comforting. It turns out that the individual, as a free and vital being, needs mortality. For Jonas, "Not even the fountains of youth, which biotechnology may have to offer one day to circumvent the physical penalties of it, can justify the goal of extorting from nature more than its original allowance to our species for the length of our days" (98).

Jonas concludes his comments on mortality by noting that the certainty of death is a blessing in one more sense. Mortality gives wisdom. "The knowledge that we are here but briefly and a non-negotiable limit is set to our expected time may even be necessary as the incentive to number our days and make them count" (98).

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<sup>7</sup>Jonas cites a personal example. As a man gifted with artistic sensibilities, he can still in his old age be moved by the works of art he has learned to love over time. He cannot, however, understand today's art. As an older man, Jonas comments, "In that respect I feel already a stranger in the world. The prospect of unendingly becoming one ever more and in every respect would be frightening, and the certainty that prevents it is reassuring" (98).

Stephen Sapp offers a similar analysis, comparing the person who has reached his or her natural capacity for years with a vessel filled to capacity. "It can hold no more and has fulfilled its purpose by containing all that it was designed to hold." To live beyond such a fulfillment, beyond the limit of one's natural years, would be to miss life's significance. Stephen Sapp, *Full of Years: Aging and the Elderly in the Bible and Today* (Nashville: Abingdon Press, 1987), 149, quoted in Meilaender, *Faith and Faithfulness*, 163.

## **B. Evaluation**

Some evaluative remarks are in order regarding Jonas's concept of mortality as burden and blessing. For Jonas, what is the interrelation between life-as-blessing and death-as-blessing? What are the implications for bioethical judgments at both ends of the spectrum of life, especially in light of the dehumanization of biotechnology-as-intrinsic-good and arbitrary human valuation? We begin by examining Jonas's line of argument.

### **1. Line of Argument**

Having set forth the proposition that death is coextensive with life, Jonas seeks to establish the thesis that mortality, as an essential attribute of life, is both burden and blessing. In terms of style, Jonas's argument proceeds with marked clarity, profound phrasing, and engaging turns of speech. In terms of movement, Jonas's argument progresses with steady logic toward the goal of establishing its thesis.

Jonas's argument runs as follows: Metabolism is life's defining characteristic. This means that death is an essential part of life, and that the continual possibility of death is a burden which life must always bear. This burden raises the question of whether creaturely life itself is worthwhile. Jonas argues that it is, not only because of the gains of self-affirmation and feeling that accompanied the evolution of the organic, but also because human inwardness affirms itself as worth any cost. Indeed, this very worthwhileness of human inwardness is what undergirds the discussion which follows — mortality, as the certainty of death, being the blessing of life. The certainty of death is a blessing for life because it both ensures that room is made for the blessings of natality, and directs the individual to a life of freedom and vitality, and wisdom.

The logic of Jonas's argument convincingly establishes his thesis if one accepts his assumptions. The verdict is less certain if one questions his assumptions. Nowhere is this more obvious than in the case of Jonas's proposition that metabolism is life's defining characteristic. Metabolism by its utter nonautarky does imply the threat of non-being and, if metabolism is life, then mortality must be part of life essentially. But why should one say that metabolism is life? Or to rephrase the question, why should one say that a movement of the body — metabolism — is life? Why not say that a movement of the mind — rationality — is life? Why not say that a movement of the soul — trust — is life? Clearly any definition of life betrays prior assumptions regarding first causes and anthropological distinctions.

One might raise additional questions. Given the pivotal position that Jonas ascribes to the rise of consciousness within evolutionary history, it would seem reasonable to ask specifically *how* consciousness evolved (from matter?) in the first place. If one were to assume the absolute inscrutability of the efficient cause of consciousness, one might still ask how it could have even been *possible* for consciousness to emerge. Or again, if one grants that mortality is a blessing, what would preclude immortality from also being a blessing, though perhaps directed toward a different end?

Although such questions deserve to be considered, they do not deserve to predominate over the remarkable significance of Jonas's explorations of mortality.

## **2. The Paradigm of Death-as-Blessing**

Certainly the proposition that "death is coextensive with life" is not the most noteworthy contribution of Jonas's insightful work on mortality. The most ancient of human cultures, judging from their art, already sensed that death stalks life. Jumping forward to the

medieval European period, we find images of the Grim Reaper seeking to gather in the plentiful harvest. The burial liturgy of the Church of England has for centuries stated this idea quite simply: "In the midst of life we are in death." Humanity knows this based on the exigencies of daily life.

Similarly, humanity knows the truth of the "burden" element in Jonas's thesis — that mortality as the continual possibility of death is the burden of life. Humanity acquires this knowledge continually and existentially and grievously, through the losses and threats of losses experienced each day.

It is in the "blessing" element of Jonas's thesis — that mortality as the certainty, or ultimate necessity, of death is the blessing of life — that we find Jonas at his most profound and practical zenith. Jonas offers here a profound truth which stands in contradistinction to a more superficial and commonly held opinion. Modernists generally view death as the greatest evil, as that which deprives humanity of the earthly pursuit of pleasure. Jonas presents the deeper truth that human freedom, vitality, and wisdom cannot exist without first coming to terms with death.

This deeper truth is eminently practical. Jonas employs this concept of death-as-blessing against what I shall call *the gods of biotechnology*.<sup>8</sup> By this phrase I mean biotechnology with its fullest capabilities developed and practiced, viewed as an intrinsic and highest good. Such gods urge that if the duration of life can be lengthened, then it ought to be lengthened . . . even to the point of being lengthened indefinitely. Jonas's *deeper truth of death-as-blessing* protects against such dehumanizing forces which would create their own

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<sup>8</sup>Jonas's argument is summarized above, this chapter, section A.2.b, "Mortality as a Triple Blessing," 57-60. He speaks of biotechnology's potential "fountains of youth" (98). By "god" I mean that which one holds as one's highest good.

version of humanity.<sup>9</sup> Death need not be feared, fought to the last, or circumvented, for death itself ensures the blessings of natality, individual freedom and vitality, and wisdom.

Jonas does not address the other set of gods that comes into play on the duration side of life. These are the gods that determine which lives are less meaningful or not meaningful at all. These are *the gods of arbitrary value*. By this phrase I mean those forms of moral analysis which (1) define human moral status in terms of some “capability” as determined by the autonomous practitioners of such moral analysis, and (2) argue that it is in society’s best interests both to regard those who lack the essential “capability” as possessing “lesser” (less than fully human) moral status, and to treat them accordingly. The sine qua non of fully human moral status — the essential capability — varies with the particular forms of moral analysis. Some suggested standards of value have included the presence of or potential for sentience, sensation of pain, biological viability, and a future without undue suffering or restriction (depicted in various ways).<sup>10</sup> Those individuals deemed to have fully human moral status are often called “persons” and their rights are generally understood as superseding the rights of those who possess a “lesser” moral status, especially in the world of limited resources and conflicting rights. Alternatively, related moral analysis hinges on “quality of life,” where those who possess the definitive capability look down with “compassion” at those whose quality of life is radically “lesser.”<sup>11</sup>

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<sup>9</sup>See above, chapter two, section A.3, “Biotechnology as a Dehumanizing Force,” 11-18.

<sup>10</sup>For a fuller discussion, see above, chapter two, section B.2.b, “Human Capabilities as Determinative of Moral Status,” 34-38.

<sup>11</sup>For an explication of the dehumanization inherent in any capability-based valuation of human life, see above, chapter two, section B.3, “Arbitrary Valuation of Human Life as a Dehumanizing Force,” 38-45.

As might be expected, these gods of arbitrary value urge that, in the case of the former, “superior” rights of “true” humans mean that if the duration of “lesser” life can be shortened, then it ought to be shortened . . . even to the point of being shortened immediately (terminated). In the case of the latter, the same conclusion holds, although it is reached differently — by arguing that it is “compassionate” to shorten or terminate “lesser” lives.

Jonas’s line of argument does not explicitly prove helpful against this dehumanizing force. However, his formulation of the deeper truth of death-as-blessing against the gods of biotechnology, when viewed as a paradigm, does prove helpful by suggesting a *deeper truth of life-as-blessing* against the gods of arbitrary value. It is true that Jonas at most only hints at the concept of life-as-blessing in his discussion of distinctive identity and individuation.<sup>12</sup> By life-as-blessing, I mean the notion that life is not achievement, the result of biotechnological fabrication, human capability, or unpurposed process. Life-as-blessing considers life per se to be a gift, to be received as an intrinsic good. Nonetheless, this deeper truth suggested paradigmatically does protect against the dehumanizing force of arbitrary standards of value, which would determine those within humanity who do not possess meaningful life or fully human moral status.<sup>13</sup> There is no “lesser” life to be shortened or extinguished when all life is intrinsically good and received as a gift.

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<sup>12</sup>Concerning Jonas’s discussion, see above, this chapter, in section A.2.b, “Mortality as a Triple Blessing,” 57, and especially note 4.

<sup>13</sup>To give but a few examples, it is in this sense that some individuals view the lives of mentally weak, terminally ill, or completely dependent people as having less value than the lives of more intelligent, more healthy, or more independent people. But if we push the logic of this capability-derived moral status, we end up in abominable moral straits. If an individual’s moral status is established by his or her consciousness or self-awareness, wouldn’t it be a lesser moral crime to rape a comatose, terminally ill patient — a being with “lesser” moral status — than to rape an intelligent, healthy, independent woman? God forbid!

It is unsurprising that Jonas does not develop the concept that life per se is a blessing. Within his philosophical method, Jonas attempts to bring unity of structure to the problem of life and death by way of the category of mortality. For Jonas, mortality is both burden and blessing. Death-as-blessing is inextricably bound up with life-as-blessing. Metabolism and evolutionary process require death. In the final analysis, the individual can experience life as a blessing only because the cessation of his or her life is certain. Life-as-blessing cannot function as a principle independent of death. Granted, Jonas values sentience and natality within human life; however, because Jonas subsumes the problem of life and death under the category of mortality as burden and blessing, it makes no sense within Jonas's philosophical structure to speak of an individual's life per se, isolated conceptually from death, as an intrinsic or instrumental good. The most that can be said is that Jonas might consider the *life of the human race* — the continued existence of humanity taken collectively — *an unqualified and intrinsic good*.

It is my evaluation that Jonas inadvertently plays into the hands of the gods of arbitrary value by fighting only the gods of biotechnology, by not developing a concept of life-as-blessing. An example should serve to clarify. Consider the case of a sixty year old Mr. Smith suffering from multiple sclerosis. Although there is presently no known cure for his condition, Mr. Smith can hypothetically choose to: (1) suffer an extremely painful, experimental treatment, (2) wait in cryogenic sleep, hoping that a cure might eventually be found, (3) take active measures to end his painful life, or (4) live out his life until death comes.

Certainly, Jonas's conception of death-as-blessing can help Mr. Smith in struggling with the gods of biotechnology, the proponents of options 1 or 2. It would be of comfort to Mr. Smith to know that death need not be feared, nor necessarily fought at any and every



cost. Nonetheless, Jonas's failure to emphasize life per se as a blessing leaves Mr. Smith on his own in struggling with the gods of arbitrary value, the proponents of option 3. If death is a blessing, *why not hasten death?* After all, Mr. Smith's comparative quality of life seems to be decreasing steadily, as his own physical pain and dependence on others increase daily. Indeed, why not hasten death, both as a general rule for such "lesser" life and in Mr. Smith's particular situation? Here, Jonas does not help Mr. Smith. Mr. Smith needs to be reminded that life is a blessing, a gift . . . and a gift not to be thrown away, but "devoured down to the last crumb."<sup>14</sup> The solution lies in realizing that the concepts of life-as-blessing and death-as-blessing must be affirmed simultaneously. This approach best enables Mr. Smith to embrace both life and death, and to come to terms with his condition. On the duration side of life, *both deeper truths are required simultaneously to fight both sets of gods.*

These same two sets of gods contend for power over humanity also on the generation side of life, although Jonas offers little discussion of such in his work on mortality as burden and blessing. On the generation side of life, the gods of biotechnology urge that the farther back life can be engineered or generated, away from natural sexual reproduction, the better. Also, the gods of arbitrary value urge that "lesser" life be shortened and terminated, be it life which is not yet born, or life which is perhaps only recently born, but born to a future of great suffering or dependence. The deeper truth of life-as-blessing counteracts the dehumanizing

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<sup>14</sup>From Bertolt Brecht's powerful 1939 short story, "Die unwürdige Greisin" (The disgraceful, old woman), in *Gesammelte Werke*, ed. Elisabeth Hauptmann, 20 vols. (Frankfurt am Main: Suhrkamp, 1967), 11:315-320. "Sie hatte die langen Jahre der Knechtschaft und die kurzen Jahre der Freiheit ausgekostet und das Brot des Lebens aufgezehrt bis auf den letzten Brosamen." (She had enjoyed to the full the long years of servitude and the short years of freedom, and devoured the bread of life down to the last crumb.) That Mr. Smith's case is reversed — with his years of freedom longer than his years of servitude — in no way gainsays Brecht's compelling argument for consuming the bread of life down to the last crumb.

forces of both sets of gods.

### **3. Summary**

Using the philosophical method, Jonas establishes the category of mortality as burden and blessing to bring unity of structure to the problem of life and death. Jonas argues persuasively in setting forth his thesis that mortality as the continual possibility of death is the burden of life, and that mortality as the certainty of death is the blessing of life. Although the structure of Jonas's argument precludes his development of an independent principle of life-as-blessing, his formulation of the deeper truth of death-as-blessing against the gods of biotechnology provides a powerful bioethical paradigm. As we have sketched it out, this paradigm may prove helpful in critiquing issues of medical ethics which obtain at both ends of the spectrum of life. The deeper truths of death-as-blessing and life-as-blessing, when held simultaneously, counteract the dehumanizing forces of the gods of biotechnology and the gods of arbitrary value. These deeper truths can assist humanity in embracing both life and death, and coming to terms with the human condition.

## **CHAPTER IV**

### **LUTHER ON LIFE AND DEATH AS BLESSING**

#### **A. Introduction**

I have argued that only by affirming simultaneously the concepts of life-as-blessing and death-as-blessing can bioethics overcome the dehumanization operative within the forces of biotechnology and arbitrary human valuation, and provide a moral foundation which takes seriously the fullness of the human condition.<sup>1</sup> Life must be considered as more than biotechnological fabrication, human capability, or unpurposed process; life-as-blessing considers life as a gift, to be received as a good. Death must be considered as more than biotechnological challenge, sheer evil, or mere inevitability; death-as-blessing considers death as a gift, also to be received as a good. This perspective can help those who are in the midst of bioethical struggles, because it embraces human uniqueness, relatedness, life, and death in a positive way. It does so without tilting the moral scales in favor of either biotechnological ideology or arbitrary human valuation.

I have also noted that for this thesis to be of practical significance within bioethics, certain further questions must be discussed. If life-as-blessing depicts life as a gift, to be received as a good, in what sense may life be called a good? Similarly for death-as-blessing, in what sense may death be called a good? What traditions possess concepts of life- and death-as-blessing, and what inferences may be drawn regarding moral judgments in actual

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<sup>1</sup>See above, chapter two, "Life and Death as Blessing: Moral Discernment in the Context of Technology and Autonomy," 4-49.

bioethical cases at both ends of the spectrum of life?

In an attempt to begin to bring forward classical Christian insight into the modern era of bioethics, this chapter considers the work of Martin Luther (1483-1546), the towering theologian, churchman, and reformer of the western Christian tradition. Put another way, this chapter attempts to construe in a theological form the argument which has been expounded above chiefly in philosophical form. As a representative of the classical western Christian tradition, in what sense does Luther conceive of life and death as goods? For Luther, what is the interrelation between life-as-blessing and death-as-blessing? What are the implications for moral judgments to be made in medical scenarios at the generation as well as the duration end of life?

We begin by surveying some of the works by Luther which convey the substance of his understanding of life and death. Then we analyze his doctrine of life and death, chiefly in terms of these sources. Finally we attempt to apply and evaluate his understanding within the context of bioethics. Can such a theological construal of the problem of life and death, representative of the western Christian tradition, offer significant moral discernment and direction concerning the difficult bioethical questions which cluster at both ends of the spectrum of life?

## B. Sources<sup>2</sup>

We will limit our study chiefly to a few important primary works. The sheer size and theological depth of the Luther corpus is amazing. Throughout his vast writings, Luther depicts life and death as one of the central sets of poles between which humanity finds itself. Luther develops this polar understanding of life and death in terms of the life and death of Jesus Christ. It is not too much to say that all of his writings bear on this subject. Indeed, Luther himself says that all of theology is nothing more than a little story about the death and resurrection of Christ, and that expounding this truth is the purpose of every sermon.<sup>3</sup> This

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<sup>2</sup>The following abbreviations for standard works are used in this chapter:

- AE = *Luther's Works*, American Edition, ed. Jaroslav Pelikan and Helmut T. Lehmann, 55 vols., plus companion vol. (St. Louis: Concordia Publishing House and Philadelphia: Fortress Press, 1955-1986).
- StL = *Dr. Martin Luthers sämtliche Schriften*, 2d ed., in modern German, ed. Johan Georg Walch, 23 vols. in 25 (St. Louis: Concordia Publishing House, 1880-1910).
- Trigl = *Concordia Triglotta: Die symbolischen Bücher der evangelisch-lutherischen Kirche*, in German, Latin, English, trans. and ed. F. Bente and W. H. T. Dau (St. Louis: Concordia Publishing House, 1921). References within Trigl are to the confession, article, and paragraph number. In this chapter we cite the following confessions:
- LC = Large Catechism (1529)
- SC = Small Catechism (1529)
- WA = *D. Martin Luthers Werke. Kritische Gesamtausgabe*, 58 vols. (Weimar: Hermann Böhlhaus Nachfolger, 1883-).
- WA Br = *D. Martin Luthers Werke. Briefwechsel*, 14 vols. (Weimar: Hermann Böhlhaus Nachfolger, 1930-1970).
- WA TR = *D. Martin Luthers Werke. Tischreden*, 6 vols. (Weimar: Hermann Böhlhaus Nachfolger, 1912-1921).

<sup>3</sup>Luther insists that properly understood, the entire Scripture is gospel: "The gospel is a story about Christ, God's and David's Son, who died and was raised and is established as Lord. This is the Gospel in a nutshell. Just as there is no more than one Christ, so there is and may be no more than one gospel. Since Paul and Peter too teach nothing but Christ, in the way we have just described, so their epistles can be nothing but the gospel." *A Brief Instruction on What to Look for and Expect in the Gospels* (1521), WA 10-I:1,10; AE 35:118. After discussing this work of Christ only briefly under the Second Article of the Apostles Creed, Luther comments that "thorough sermons throughout the year" are to

view of the *Predigtamt* alone adds over two thousand sources which fall within the focus of our study.<sup>4</sup> Unfortunately, we will be able to treat but a select few of these sermons.

That said, the sources listed below are all important for the study of Luther's concept of life and death. Beyond the sermons, the hymns and catechetical instruction penned by Luther are also particularly significant. These sources demonstrate the pastoral heart of Martin Luther in action. They show his attempts to convey the timeless truths and abundant comfort of God's word concerning life and death. Indeed he intended his very formulations to be retained by and prayed within the church indefinitely. For the study of how Luther intended Christians to think about life and death, then, Luther's sermons, hymns, and catechisms far outstrip the significance of many of his polemically-bound treatises. The sources below are listed chronologically.

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explain the details of this redemption. LC (1529) 2.32, Trigl 686.

<sup>4</sup>The texts for over two thousand sermons preached by Luther are extant. The importance of studying the sermons of Martin Luther, in order to understand his theology, cannot be overemphasized. Luther takes nothing more seriously than the word which he proclaims to the people as the word of God. Scholars are increasingly incorporating studies of Luther's sermons into their work. An excellent example is Burnell F. Eckardt, Jr., who gleans much from the *Kirchenpostille* (1521-1525) in his dissertation, "Anselm and Luther on the Atonement: Was it 'Necessary'?" (Ph.D. diss., Marquette University, 1991).

Similarly, today's clergy are wise to retain the historic pericopal system as the basis for their preaching. This is so, not for the sake of repristination. Rather, retention of the historic pericopes allows the preacher direct access to the rich gospel insight of Luther's sermons on the very same Epistles and Gospels. Indeed, the church fathers in the west preached on these same texts for over fifteen hundred years.

## 1. A Sermon on Preparing to Die (1519)<sup>5</sup>

In the midst of theological controversies with John Eck and Jerome Emser, Luther wrote this sermon at the request of Mark Schart, a friend. It is remarkable for its deeply devotional orientation, completely divorced from the whirlwind that surrounded Luther personally. Although this sermon in some ways reveals the early Luther — he still recommends prayers to the saints as one approaches death — it chiefly represents the theology of the mature Luther, urging personal faith which looks to Christ in confidence and appropriates his victory over death.

## 2. The Hymns (1523-1543)<sup>6</sup>

Luther wrote at least thirty-seven hymns, if one includes hymns which he translated, altered, or for which he wrote additional stanzas. Unlike many modern hymn writers, Luther wrote these hymns not to create a mood but to instill God's word in people. His purpose was to convey a message directly and boldly, not ornately and subtly. His style was rugged. His form was sometimes purely catechetical; he wrote hymns on each major part of his catechism.

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<sup>5</sup>The medieval tradition of "dying a good death" saw many manuals and sermons published on the subject. This sermon, as well as many of the other Luther sources which here follow, suggest that Luther was to some degree part of this tradition. The text is at WA 2:685-697; AE 42:99-115, trans. Martin H. Bertram. For historical background, see Bernhard Lohse, *Martin Luther: An Introduction to His Life and Work*, trans. Robert C. Schultz (Philadelphia: Fortress Press, 1986), 110-111; and Bertram's "Introduction" at AE 42:97-98.

<sup>6</sup>The texts for Luther's hymns are at WA 35:411-473; AE 53:214-309, trans. George MacDonald, ed. Ulrich S. Leupold. For historical background, see Ulrich's "Introduction" at AE 53:191-205, and his remarks throughout AE 53:214-309. Further historical background and often superior translations may be found at W. G. Polack, ed. *The Handbook to the Lutheran Hymnal*, 3d rev. ed. (St. Louis: Concordia Publishing House, 1958); Fred L. Precht, ed. *Lutheran Worship: Hymnal Companion* (St. Louis: Concordia Publishing House, 1992).

His content was always Jesus Christ as Mediator, Victor, and Savior.

Quite representative of Luther's gospel emphasis in hymns about death and dying is his hymn, "In the Midst of Earthly Life" (1524). Here he altered the words of the medieval hymn "*Media vita*," changing the emphasis from a frantic cry for help in death to a certain proclamation of forgiveness, grace, and hope in Christ.<sup>7</sup>

### **3. The Large Catechism (1529) and the Small Catechism (1529)<sup>8</sup>**

The two catechisms were the result of Luther's efforts beginning no later than 1516 to combat what he viewed as the damnable decay of training in Christian doctrine within the church. Having visited many of the churches within Saxony, he was astonished at the terrible state of understanding — by clergy, adults, and children alike — concerning the gospel of Christ and basic Christian doctrine. The Large Catechism he intended for all Christians, but especially clergy. He also wrote the Small Catechism for all Christians, but especially for youth and for use by heads of households for instruction within their homes. Significant for our purposes is Luther's systematic approach to doctrine within his catechisms, especially as regards the blessing of life, expounded under the First Article of the Apostles Creed.

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<sup>7</sup>See AE 53:274-276.

<sup>8</sup>The LC text is at Trigl 565-773; the SC text is at Trigl 531-563. For historical background, see Bente's study within his comprehensive "Historical Introductions to the Symbolical Books," which precedes the confessional writings themselves, Trigl 68-93.



#### 4. The First and Second Funeral Sermons (1531-1535?)<sup>9</sup>

These important sermons are part of Luther's *Hauspostille*, sermons he preached at home, in the former monastery of the Augustinian Order of Hermits, from 1531 to 1535. During this time, Luther was not infrequently too weak or too ill to preach or attend services at St. Mary's, the Wittenberg city church.<sup>10</sup> These two undated funeral sermons discuss the nature of Christian life and death in the context of how Christians should comfort themselves concerning those who have died. It is significant to note that it was Luther's own very serious bodily ailments which occasioned the preaching of these sermons.

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<sup>9</sup>The texts are at StL 13a:1320-1343 and are not found in the AE or (yet) in the WA. The WA has not included these sermons because it has followed Georg Rörer's, and not Veit Dietrich's, version of the *Hauspostille*. The *Hauspostille* were never written down by Luther himself, but were transcribed by both Dietrich and Rörer, each of whom took scrupulous notes while the sermons were preached. The WA has followed critical scholarship in regarding Rörer's version as more accurate in the details. However, it is significant that the first version of the *Hauspostille* to be published (1544 in Nürnberg) was Dietrich's, and it included a preface written by Luther in which he claims the sermons as his own and praises Dietrich's attention to detail. Rörer's version never received Luther's written endorsement. Finally, there are a handful of sermons which appear in Dietrich's version but not in Rörer's. The two funeral sermons, entitled *Die erste Leichenpredigt* and *Die andere Leichenpredigt*, are among these few sermons found only in Dietrich. Dietrich's *Hauspostille* is StL 13a. For historical background on the Dietrich *Hauspostille*, see "Vorrede," in StL 13a:iv-xi; and Eugene F. A. Klug's "Preface," in *Sermons of Martin Luther: The House Postils* [Rörer's version], ed. Eugene F. A. Klug, trans. Eugene F. A. Klug, Erwin W. Koehlinger, James Lanning, Everette W. Meier, Dorothy Schoknecht, and Allen Schuldheiss, 3 vols. (Grand Rapids: Baker, 1996), 1:11-16.

<sup>10</sup>When healthier, Luther often preached at St. Mary's, especially in the absence of the parish pastor, John Bugenhagen. From 1514 until his death in 1546, Luther worked alongside Bugenhagen in the parish ministry at St. Mary's. At times Luther served St. Mary's by himself for extended periods — once for an entire year while Bugenhagen introduced the Reformation in Lübeck.

## **5. Commentary on 1 Corinthians 15 (1532-1533)<sup>11</sup>**

From August 11, 1532 to April 27, 1533 Luther preached a series of seventeen sermons which collectively form a running commentary on 1 Corinthians 15. After suffering such terrible health earlier in 1532 that he complained that he could not read, write, or preach, Luther regained enough strength to resume his full schedule of preaching in church. He thereupon began his series of sermons on the “resurrection chapter,” 1 Corinthians 15, and the Christian victory over death.

## **6. The First and Second Sermons at the Funeral of the Elector, Duke John of Saxony (1532)<sup>12</sup>**

It had been Elector John the Steadfast of Saxony, among others, who had stood up in defense of Luther and his teaching before the Emperor Charles V at Augsburg in 1530. When John died on August 15, 1532, Luther interrupted his sermon series on 1 Corinthians 15 and preached at the funeral. The funeral was held Sunday, August 18, at the Castle Church,<sup>13</sup> with Luther preaching on 1 Thessalonians 4:13-14. At the request of the new elector, John Frederick, son of Duke John, Luther preached a second funeral sermon on the following Thursday, August 22, again at the Castle Church. In these two sources Luther describes how the Christian fittingly mourns in the “outer man” the passing of such a Christian

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<sup>11</sup>The text is at WA 36:482-696; AE 28:57-213, trans. Martin H. Bertram. For historical background, see Hilton C. Oswald’s “Introduction” at AE 28:ix-xi.

<sup>12</sup>The texts are at WA 36:237-270; AE 51:229-255, ed. and trans. John W. Doberstein. For historical background, see Doberstein’s remarks at AE 51:231.

<sup>13</sup>The Castle Church was the church of the University of Wittenberg, founded by the previous elector, Frederick the Wise, and the university at which Luther lectured. Frederick the Wise was the brother of John the Steadfast.

friend, but predominantly rejoices in the “inner man” in the resurrection and life which is certain in Christ.

#### **7. Lectures on Psalm 90 (1534-1535)<sup>14</sup>**

Luther's *Lectures on Psalm 90* are doubly important sources for the study of his concept of life and death. Not only does Psalm 90 itself discuss human frailty and mortality against the backdrop of God's omnipotence and eternity, providing an important locus, but Luther's lectures themselves represent his mature thought. These lectures are his penultimate expositional series of lectures in the classroom on any Scriptural text, followed only by his *Lectures on Genesis* (1535-1545).

#### **8. Table Talk on the Death of Magdalene (1542)<sup>15</sup>**

Following a brief illness, Luther's thirteen year old daughter Magdalene died on September 20, 1542. On the one hand, the Table Talk demonstrate the grievous, personal loss which Luther experienced “in the flesh.” On the other hand, they show the surpassing, certain confidence which Luther maintained “in the spirit.” For Luther, the doctrine of the resurrection in Christ became the word with which he comforted his wife, himself, and others.

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<sup>14</sup>The text is at WA 40-III:476-594; AE 13:73-141, trans. Paul M. Bretscher. For historical background, see Jaroslav Pelikan's remarks at AE 13:xi-xii.

<sup>15</sup>Recorded by Caspar Heydenreich, the texts are at WA TR 5: nos. 5490-5502; AE 54: nos. 5491-5500, trans. Theodore G. Tappert. For historical background on the Table Talk, see Tappert's “Introduction” at AE 54:ix-xxvi, 413. On the events surrounding the death of Luther's daughter, see Martin Brecht, *Martin Luther*, trans. James L. Schaaf, 3 vols. (Minneapolis: Fortress Press, 1985-1993), 3:236-238.

## **9. Preface to the Burial Hymns (1542)<sup>16</sup>**

This source is the preface which Luther wrote for the first of several burial hymnals published during his lifetime. In this preface, Luther argues that only those without Christian faith should retain a sad, hopeless outlook toward death and hell. Christians, on the other hand, should look down on death, defy death, and rejoice by singing comforting hymns about the forgiveness of sins, blessed sleep, and the resurrection which is theirs in Christ.

## **10. The Last Sermon, Preached in Eisleben (1546)<sup>17</sup>**

In late January 1546, Luther journeyed to Eisleben, in his homeland of Mansfield, to mediate a longstanding dispute between the counts of Mansfield over mining operations, taxes, and the assumption of debt. There, Luther preached his last sermon, probably on Monday, February 15, three days before he died. This source is important to our study not only because it is Luther's last sermon, but also because in it Luther describes death as a threat which is already past in Christ, as nothing more than a "laugh" or a "walk to a dance."

## **11. Luther's Final Letters (1546)<sup>18</sup>**

These are twelve letters Luther wrote between January 25, 1546 and his death on

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<sup>16</sup>The text is at WA 35:478-483; AE 53:325-331, trans. Paul Zeller Strodach, ed. Ulrich S. Leupold. For historical background, see Leupold's remarks at AE 53:325.

<sup>17</sup>The text is at WA 51:187-194; AE 51:383-392, ed. and trans. John W. Doberstein. For historical background on Luther's perilous journey to Eisleben and his difficult negotiations, see Brecht, *Martin Luther*, 3:369-375.

<sup>18</sup>The texts are at WA Br 11:269-302; AE 50:286-315, ed. and trans. Gottfried G. Krodel. For historical background, see Krodel's remarks throughout AE 50:284-318. For clarity, references are to page numbers, not letter numbers; the AE does not follow the WA Br in its numbering system for Luther's letters.

February 18, while he was away from Wittenberg. Half of these letters Luther wrote to Katy, his wife. Especially these six letters give us a glimpse into Luther's personal life, and his attempts laced with humor to allay Katy's rising concerns for her husband's safety and health. He advises to let God do the worrying, for he alone is the Almighty who delivers from death.

## **12. Report of the Christian Departure out of this Mortal Life of the Reverend Mr. Doctor Martin Luther (1546)<sup>19</sup>**

In this source, the eyewitnesses Justus Jonas and Michael Cölius report the events surrounding the death of Martin Luther. For the purposes of our study, especially significant are Luther's final prayers and his final confession of faith, with which he met death.

### **C. Analysis**

Based chiefly on the above sources, we now turn to analyze Luther's doctrine of life and death. How does Luther portray life and death? In what sense does he consider them blessings or goods? For Luther, what is the interrelation between life-as-blessing and death-as-blessing?

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<sup>19</sup>The text is at WA 54:478-496. For historical background, see Georgius Rorarius's "Vorrede," in WA 54:468-477; and Brecht, *Martin Luther*, 375-377.

The Weimar text is a conflation of Source 1 and Source 28 from Christof Schubart's *Die Berichte über Luthers Tod und Begräbnis: Texte und Untersuchungen* (Weimar: Hermann Böhlau Nachfolger, 1917). Source 1 is Justus Jonas's letter to Elector Johann Friedrich of Saxony, written from Eisleben on February 18, 1546. Source 28 is a portion of Michael Cölius's funeral sermon for Luther, preached in Eisleben, February 20, 1546. These important eyewitness accounts are two of the eighty-two sources Schubart has gathered which discuss what happened when Luther died and was buried. Those who want to study in detail the events surrounding Luther's death should consult Schubart. Especially helpful is Table 1 found at the back of Schubart's *Berichte*, which notes the differences in the most important sources which relate the death of Luther. For the purposes of this paper, I have quoted directly from WA 54:478-496, ignoring the individual sources.

## 1. Life as Intrinsic Good

For Luther, all that is good is good because it comes from God. Life is the preeminent example. Human life is a blessing, a gift, intrinsically good, because it comes from God. To put it another way, humanity has life only because God himself has chosen to share the life which is his as God. "We see how *the Father has given Himself to us*, together with all creatures, and has most richly provided for us in this life."<sup>20</sup> In his hymn on the Apostles Creed, Luther explains the phrase "Creator of heaven and earth" with the words, "He has given himself as our Father, so that we might be his children."<sup>21</sup>

This gift of life began with God's creation of the world, but it did not end there. Luther interprets this creation existentially, for it includes the creation and preservation of every living person. The First Article of the Apostles Creed implies more than an historical creation; it implies that God is still at work in the present, bestowing life with all its blessings.

I believe in God the Father Almighty, Maker of heaven and earth.

*What does this mean?*

I believe that God has made me and all creatures; that He has given me my body and soul, eyes, ears, and all my members, my reason and all my senses, and still preserves them; also clothing and shoes, meat and drink, house and home, wife and children, fields, cattle, and all my goods; that He richly and daily provides me with all that I need to support this body and life; that He defends me against all danger and guards and protects me from all evil; and all this purely out of fatherly, divine goodness and mercy, without any merit or worthiness in me; for all which it is my duty to thank and praise, to serve and obey Him. This is most certainly true.<sup>22</sup>

Because life itself is intrinsically good, a gift out of the fatherly heart of God, every

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<sup>20</sup>"Denn da sehen wir, wie *sich der Vater uns gegeben hat*. . . ." LC (1529) 2.24, Trigl 682-683. Emphasis mine.

<sup>21</sup>"Der sich zum vater geben hat, das wir seyne kinder werden." "Wyr gleuben all an eynen Gott" (1524), WA 35:451.

<sup>22</sup>SC (1529) 2.1-2, Trigl 542. Italics original.

individual owes God personal thanks, praise, service, and obedience. Humanity in general, however, fails to perceive such indebtedness. Luther holds that it is faith alone which enables one to regard life and its manifold blessings as divine gifts, not as results of human power or human accomplishment. "For if we believed it [the First Article] with the heart, we would also act accordingly, and not stalk about proudly, act defiantly, and boast *as though we had life, riches, power, and honor, etc., of ourselves.*"<sup>23</sup>

## 2. Death as Curse

If life is an intrinsic good, then death is a curse. Luther insists that death is utterly unnatural. "Originally death was not part of [human] nature,"<sup>24</sup> for humanity was created to live forever.

Given the complete unnaturalness of death, Luther maintains that no one, on his or her own, has ever grasped the essential character of death. The attempts of the philosophers, the rabble, and the humanists have all failed. Death is not something which can be softened by seeking earthly pleasures, death cannot be circumvented by making a show of courage or joking, nor can it be made into a haven by describing it as an escape from earthly troubles.<sup>25</sup> Illustrations from the world of nature have also failed. Human death cannot be likened to the death of an animal, to the withering of grass, or to the setting of the sun.<sup>26</sup>

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<sup>23</sup>"... als hätten wir das Leben, Reichtum, Gewalt und Ehre usw. von uns selbst." LC (1529) 2.21, Trigl 682-683. Emphasis mine.

<sup>24</sup>*Lectures on Psalm 90* (1534), WA 40-III:514; AE 13:94.

<sup>25</sup>*Ibid.*, WA-III:485-486; AE 13:76-77. "Rabble" is my term, used as a shorthand for those whom Luther describes as "following the example of street bandits and soldiers." *Ibid.*

<sup>26</sup>*Commentary on 1 Corinthians 15* (1532), WA 36:557; AE 28:116.

Only by the Holy Scriptures can death be seen for what it really is: the result and penalty for sin, begun in Adam, and now inherited by all people. "No human heart or wisdom ever devised or thought this out, that death is a penalty of sin. . . . Scripture teaches us that our death and dying does not come in a natural way but that this is a fruit of and the penalty for our father Adam's sin. He offended the Sublime Majesty so outrageously that he and all who are descended from him and are born on earth must die eternally. No one on earth can escape or ward off this calamity."<sup>27</sup>

Death as the penalty for sin is for Luther the worst possible curse. For all of humanity, it has turned endless joy into "miserable and tragic life" that "vanishes like a shadow."<sup>28</sup> It has turned strength of will and intellect into weakness.<sup>29</sup> It has turned bodily health into sickness.<sup>30</sup> It has turned freedom under the word of God into tyranny under the deception of the devil.<sup>31</sup> It has turned happy obedience to God into grievous sin, first inherited and then actualized. It has turned human love for God the tender Father into human hate for God the condemning Judge. In short, it has turned perfect life into an earthly death which leads to eternal punishment in hell.

Using the existential first-person-singular, Luther has woven these death-as-curse themes into the second and third stanzas of his hymn, "Dear Christians, Let Us Now Rejoice" (1523).

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<sup>27</sup>Ibid.

<sup>28</sup>*Lectures on Psalm 90* (1535), WA 40-III:571; AE 13:128.

<sup>29</sup>*Lectures on Genesis* (1535), WA 42:114; AE 1:151-152.

<sup>30</sup>Ibid. (1536), WA 42:161; AE 1:216.

<sup>31</sup>Ibid. (1535), WA 42:111; AE 1:147.



Forlorn and lost in death I lay,  
A captive to the devil,  
My sin lay heavy, night and day,  
For I was born in evil.  
I fell but deeper for my strife,  
There was no good in all my life,  
For sin had all possessed me.

My good works they were worthless quite,  
A mock was all my merit;  
My will hated God's judging light,  
To all good dead and buried.  
E'en to despair me anguish bore,  
That nought but death lay me before;  
To hell I fast was sinking.<sup>32</sup>

For Luther, then, the curse of death comes to all. "In the midst of life we are surrounded by death. . . . In the midst of death we face the jaws of hell. . . . In the midst of fear of hell our sins oppress us."<sup>33</sup>

### **3. Christ as the Triumph of Life over Death**

Humanity's predicament of mortality — suffering death as the penalty for sin — is doubly problematic for Luther. The first problem is that humanity has lost the intrinsically good gift of life which God willed to share. Life as sheer blessing is gone, and in its place is death as curse. The second problem is that no one has the power to relieve, let alone repair, the situation. All are under the power of the devil. None can overcome the oppression of sin, its consequence in earthly death, and its final destiny in the spiritual death of hell. None . . . except the One in whom rest eternal life, unfathomable goodness, and compassion.

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<sup>32</sup>WA 35:423-424; AE 53:219.

<sup>33</sup>These are the opening lines of the three stanzas of Luther's "Mitten wyr im leben sind" (1524), WA 35:453-454.

For when we had been created by God the Father, and had received from Him all manner of good, the devil came and led us into disobedience, sin, death, and all evil, so that we fell under His wrath and displeasure and were doomed to eternal damnation, as we had merited and deserved. There was no counsel, help, or comfort until this only and eternal Son of God in His unfathomable goodness had compassion upon our misery and wretchedness, and came from heaven to help us.<sup>34</sup>

**a. Through the Incarnation**

In some references, Luther describes the triumph of life over death — Christ's victory on behalf of sinners — as having been achieved directly by way of the incarnation. In the incarnation of the Son of God, the eternal life of God has been united with the mortal flesh of all humanity. For Luther, the outcome must be that the eternal life of God is victorious over all that threatens sinners. Thus, Luther can say in *A Sermon on Preparing to Die* (1519), "Christ is nothing other than sheer life."<sup>35</sup> The very presence of immortal God in human flesh means that humanity's sin, death, and hell are conquered.

Especially in Luther's Christmas hymns it is the fact of Christ's incarnation which establishes the triumph of life over death. Sometimes this triumph is portrayed as hidden under the meager humanity of Christ. In stanzas two and five of "All Praise to Thee, O Jesus Christ" (1523?), the flesh and blood of Jesus mask his eternal goodness, but they nonetheless make us heirs of the kingdom of heaven.

The Father's only son begot  
In the manger has his cot  
In our poor dying flesh and blood  
Doth mask itself the endless good.  
Kyrieleis.

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<sup>34</sup>LC (1529) 2.28-29, Trigl 684-685.

<sup>35</sup>WA 2:689; AE 42:104.

The Father's Son, so God by name,  
A guest in the world became,  
And leads us from the vale of tears;  
He in his palace makes us heirs.  
Kyrieleis.<sup>36</sup>

At other times, nothing is hidden (at least to the eyes of faith), and immediate victory is proclaimed. In stanzas three and four of "To Shepherds as They Watched by Night" (1543), this is the case.

Oh, then rejoice that through His Son  
God is with sinners now at one;  
Made like yourselves of flesh and blood,  
Your brother is the eternal God.  
What harm can sin and death then do?  
The true God now abides with you.  
Let hell and Satan rage and chafe,  
Christ is your Brother—ye are safe.<sup>37</sup>

#### **b. Through the Passion and Resurrection**

Christ as the triumph of life over death by way of his incarnation should not be understood in opposition to his triumph by way of his passion and resurrection. For Luther, the incarnation occurred so that Christ might suffer, die, and rise from the dead, all on behalf of sinful humanity. The Incarnate One is the Redeemer from sin and death.

I believe that Jesus Christ, true God, begotten of the Father from eternity, and also true man, born of the Virgin Mary, is my Lord, who has redeemed me, a lost and condemned creature, purchased and won me from all sins, from death, and from the power of the devil; not with gold or silver, but with His holy, precious blood and with His innocent suffering and death, that I may be His own and live under Him in His kingdom, and serve Him in everlasting righteousness, innocence, and blessedness, even as He is risen from the dead, lives and reigns to all eternity. This is most

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<sup>36</sup>WA 35:434-435; AE 53:241. "Kyrieleis" is a contraction of "Kyrie eleison," meaning, "Lord, have mercy."

<sup>37</sup>WA 35:472; Polack, *Handbook to the Lutheran Hymnal*, 85 [no. 103].

certainly true.<sup>38</sup>

Neither should the incarnation be understood as a doctrine whereby Luther simply gets Jesus “on the set” so that he can begin his important role as Redeemer. For Luther, it is the nature of the incarnation itself — with the deity hidden under the humanity of Christ — which establishes the means of Christ’s victory through his passion and resurrection. This is true in both of the motifs Luther uses to discuss the atoning work of Christ.

Within the motif of Christ battling the devil to liberate enslaved humanity, it is the hiddenness of the divinity and its power which prepares the way for the ambush and defeat of the devil. Of the Son’s incarnation, Luther writes, “Completely in secret his power he wore; / He took on my flesh — frail and poor — / That he might catch the devil.”<sup>39</sup>

Within the motif of Christ paying the price to buy back humanity from sin, death, and hell, it is the hiddenness of the Son of God’s righteousness, life, and salvation which leads to his victory. It is as if sin, death, and hell, in attempting to devour Christ on the cross, bit off more than they could chew, for they did not know what was hidden within him as the Son of God.

As a matter of fact, he makes them [sins, death, and pains of hell which are his bride’s] his own and acts as if they were his own and as if he himself had sinned; he suffered, died, and descended into hell that he might overcome them all. Now since it was such a one who did all this, and death and hell could not swallow him up, these were necessarily swallowed up by him in a mighty duel; *for his righteousness is greater than the sins of all men, his life stronger than death, his salvation more invincible than hell.*<sup>40</sup>

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<sup>38</sup>SC (1529) 2.4, Trigl 544.

<sup>39</sup>From stanza six of “Nu freut euch lieben Christen gmeyn” (1523), WA 35:424.

<sup>40</sup>*The Freedom of a Christian* (1520), WA 7:49-73; AE 31:343-377, at 352. Emphasis mine. This understanding of the atonement implies Luther’s “blessed exchange.” “Christ is full of grace, life, and salvation. The soul is full of sins, death, and damnation.

In both of Luther's atonement motifs, the humanity-wide curse of death is overcome through the vicarious death of Christ. The Christ suffers for the sins of humanity in his body, enduring both temporal and eternal death. But the power and life hidden within the Son of God prove to be too much for sin, death, hell, and the devil to handle. The resurrection proclaims Christ as the absolute triumph of life over death. In Christ, life for humanity is restored to the status of intrinsic good. Death is demoted from the status of dreaded curse to ridiculous mockery.

It was a strange and dreadful strife  
When Life and Death contended;  
The victory remained with Life,  
The reign of Death was ended;  
Holy Scripture plainly saith  
That Death is swallowed up by Death.  
Death's now become a laughingstock.  
Hallelujah!<sup>41</sup>

### c. Through Word and Sacrament

The doctrine of Christ's triumph over death, through his incarnation, passion, and resurrection, is monumental for Luther. Nonetheless Christ's triumph remains meaningless, and even takes on the character of confrontation, where there is no saving faith in Christ.

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Now let faith come between them and sins, death, and damnation will be Christ's, while grace, life, and salvation will be the soul's; for if Christ is a bridegroom, he must take upon himself the things which are his bride's and bestow upon her the things that are his." AE 31:351.

Finally, although above we have distinguished two atonement motifs within Luther, it is important not to separate them. Luther moves fluidly from one motif to the other. Attempts to correlate one with an "earlier" Luther, or another with a "dominant" position, do not appear to do justice to the sources.

<sup>41</sup>Stanza four of "Christ lag ynn todes banden" (1524), WA 35:444; Polack, *Handbook to the Lutheran Hymnal*, 148 [no. 195]. I have changed the translation of the last line to reflect better the original, "Eyn spott aus dem tod ist worden."

Only faith can grasp the victory of Christ over sin, death, and hell. Only faith can receive this message with joy, and experience the goodness of life in Christ. Thus for Luther, the victory of life over death in Christ must be realized through the preaching of his word and the administration of his sacraments, which create and sustain faith.

The work is done and accomplished; for Christ has acquired and gained the treasure for us by His suffering, death, resurrection, etc. But if the work remained concealed so that no one knew of it, then it would be in vain and lost. That this treasure, therefore, might not lie buried, but be appropriated and enjoyed, God has caused the Word to go forth and be proclaimed, in which He gives the Holy Ghost to bring this treasure home and appropriate it to us.<sup>42</sup>

I believe that I cannot by my own reason or strength believe in Jesus Christ, my Lord, or come to Him; but the Holy Ghost has called me by the Gospel, enlightened me with His gifts, sanctified and kept me in the true faith.<sup>43</sup>

With the Holy Spirit's blessing, the word brings the triumph of Christ into the individual. For Luther, essential to this gracious operation of the word is its two-fold character as law and gospel. The law, as the commands and accusations of God, may be likened to spear, cannonball, thunder, and lightning — God's weaponry used to kill. The self-righteousness of every person must be slain. "The Law dins this into your ears and holds the register of your sins before your nose: 'Do you hear? You committed this and you committed that in violation of God's commandments, and you spent your whole life in sin. Your own conscience must attest and affirm that.'"<sup>44</sup>

Once the sinner is brought to despair, then must follow the gospel — God's weapon to make alive. The gospel is the moving story of Christ's compassion and kindness, suffering

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<sup>42</sup>LC (1529) 2.38, Trigl 688-689.

<sup>43</sup>SC (1529) 2.6, Trigl 544-545.

<sup>44</sup>*Commentary on 1 Corinthians 15* (1532), WA 36:689; AE 28:209

sin, death, and hell in the place of humanity, so that humanity might share in his righteousness, life, and salvation. For Luther, this gospel not only *communicates a message about Christ*. With the blessing of the Holy Spirit, this Gospel *communicates Christ himself*, with all of his blessings received wherever faith is created. Through faith, Christ's triumph over death is completely and actually appropriated by the individual Christian. "He takes your death upon himself and strangles it so that it may not harm you, if you believe that he does it for you and see your death in him and not in yourself. Likewise, he also takes your sins upon himself and overcomes them with his righteousness out of sheer mercy, and if you believe that, your sins will never work you harm."<sup>45</sup>

This gospel word is also the power at work within baptism, absolution, and the Lord's Supper, so that these sacraments also deliver the objective victory of Christ over death and the full blessings of the new life.<sup>46</sup> In *The Babylonian Captivity of the Church* (1520), Luther makes the point that baptism "should not be understood only allegorically as the death of sin and the life of grace, as many understand it, but as actual death and resurrection."<sup>47</sup> For Luther, baptism brings the actual death of sin; the one who is baptized is "truly pure, without sin, and wholly guiltless."<sup>48</sup> Baptism "works forgiveness of sins, delivers from death and the devil, and gives eternal salvation."<sup>49</sup> Indeed, baptism conveys nothing less than the triumph

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<sup>45</sup>*A Sermon of Preparing to Die* (1519), WA 2:690; AE 42:105.

<sup>46</sup>LC (1529) 2.54, Trigl 692-693.

<sup>47</sup>WA 6:497-573; AE 36:11-126, at 68.

<sup>48</sup>*The Holy and Blessed Sacrament of Baptism* (1519), WA 2:727-737; AE 35:29-43, at 32.

<sup>49</sup>SC (1529) 4.6, Trigl 550-551.

of Christ — sin and death is drowned and new life arises: “Just as a child is drawn out of his mother’s womb and is born, and through this fleshly birth is a sinful person and a child of wrath, so one is drawn out of baptism and is born spiritually. Through this spiritual birth he is a child of grace and a justified person. Therefore sins are drowned in baptism, and in place of sin, righteousness comes forth.”<sup>50</sup>

The victory of Christ is similarly appropriated and enjoyed through absolution and the Lord’s Supper. The absolution pronounced to a penitent communicates the full grace and forgiveness of God won by Christ on the cross. “We receive absolution, or forgiveness, from the pastor as from God Himself, and in no wise doubt, but firmly believe, that by it our sins are forgiven before God in heaven.”<sup>51</sup> The Lord’s Supper also takes away sin and bestows the fullness of life and salvation in Christ. When Christians eat and drink in the Supper, the benefit is “shown us by these words, ‘Given and shed for you for the remission of sins’; namely, that in the Sacrament forgiveness of sins, life, and salvation are given us through these words. For where there is forgiveness of sins, there is also life and salvation.”<sup>52</sup>

#### **4. Christian Death as Instrumental Good**

The triumph of life over death raises a serious question. If Christ has conquered sin and death through his incarnation, passion, and resurrection, if he has distributed the blessings of eternal life through his word and sacraments, why do his followers still suffer on earth?

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<sup>50</sup>*The Holy and Blessed Sacrament of Baptism* (1519), WA 2:727-737; AE 35:29-43, at 30.

<sup>51</sup>SC (1529) 5.16, Trigl 552-553.

<sup>52</sup>SC (1529) 6.6, Trigl 556-557.



Why do Christians become ill, experience weakness, and, in the end, die?

Throughout the sources, Luther discusses the death of the Christian from three different perspectives. It is helpful to apply Aristotle's doctrine of causation. For Luther, regarding the death of the Christian, the material cause is the Christian's flesh, the efficient cause is God, and the final cause is blessedness.<sup>53</sup>

**a. Christian Death as Fleshly Vulnerability: *Simul justus et peccator* and the Assaults of the Devil**

A discussion of Luther's understanding of Christian death is not possible without a discussion of his understanding of the Christian as *simul justus et peccator*. For Luther, the Christian is simultaneously both saint and sinner. At one and the same time, "those who have been justified in Christ are not sinners and are sinners nevertheless." Luther also uses the words "spirit" and "flesh" to articulate this paradox. By "spirit," Luther does not mean the non-corporeal existence of the Christian; "spirit" denominates the Christian as "new man," who trusts in Christ and receives all of his benefits. By "flesh," Luther does not mean the corporeal existence of the Christian; "flesh" denominates the Christian as "old man," who still sins against God's law.<sup>54</sup> "If you look at faith, the Law has been fulfilled, sins have been

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<sup>53</sup>On Aristotle's four causes, see *Metaphysics* Δ. 2, 1013a24-35. In addition to the material, efficient (principal), and final causes, Aristotle discusses the formal cause. Aristotle's formal cause establishes the categories by which a thing may be understood, defining the essential nature of a thing. For Luther, the formal cause of the Christian's death is Holy Scripture's revelation of death as the penalty for sin. For Luther, the essential nature of a thing is established by what Scripture reveals about that thing. It is in this light that Lutheran orthodoxy has maintained that the "formal principle" of Lutheranism is Scripture.

<sup>54</sup>Here Luther uses the spirit-flesh dichotomy to discuss the Christian as "new man" and "old man." It is important to note that Luther also uses the spirit-flesh dichotomy in a different sense, to discuss the Christian as "inner man" and "outer man." See below, this chapter, in section C.4.c, "Christian Death as Blessing," 99 and note 74.

destroyed, and no Law is left. But if you look at the flesh, in which there is no good, you will be compelled to admit that those who are righteous in the spirit through faith are still sinners.”<sup>55</sup>

For Luther, the material cause of the death of the Christian is the Christian’s flesh. The Christian’s sinful nature, the “old man,” is the “material” out of which death is “made.” With respect to the spirit, the Christian has fully appropriated Christ’s victory over sin, death, and hell. The Christian rejoices in the total forgiveness of sins, all the blessings of life in Christ, and salvation in heaven. But with respect to the flesh, the Christian still sins and lives in the sinful world. This means that the Christian will suffer the effects of sin in his or her body and will, in the end, die a physical death. To put it another way, Luther holds that Christ’s abrogation of the curse of death is, in this world, a doctrine of faith, not sight.

Closely related to Luther’s understanding of Christian death as fleshly vulnerability is his understanding of the assaults of the devil. Christians live out their lives on earth, which is the domain of the devil. “The devil is the prince of this world.”<sup>56</sup> This means that Christians are subject to the attacks of the devil. The devil makes life miserable for Christians by afflicting them in the body with every kind of sickness, weakness, and grief. He also afflicts them in the soul with *Anfechtungen*, trials and temptations aimed at bringing Christians into spiritual doubt and despair. Luther does not separate the devil’s attacks of body and soul. They are never far apart from each other, and they pursue Christians relentlessly throughout life — during sleep, waking hours, and even prayer. “Man’s spirit can’t rest, for

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<sup>55</sup>*Lectures on Galatians* (1519), WA 2:496-497; AE 27:230-231.

<sup>56</sup>*That These Words of Christ, “This Is My Body,” Still Stand Firm* (1527), WA 23:70; AE 37:18.

Satan is there. . . . Everything that serves death and terror and murder and lies is the devil's handiwork."<sup>57</sup>

Such *Anfechtungen* afflicted Luther throughout his life. Martin Brecht recounts how spiritual battles with the devil could bring Luther to the point of sweating profusely and even doubting his own understanding of the gospel. Brecht also catalogs the incredible physical afflictions Luther endured. At different times, Luther suffered from ringing in the ears, troubled sleep, severe diarrhea, fainting spells, serious attacks of gout, severe dysentery, vertigo, painful kidney stones, unbearable sciatic pains, blindness in one eye, severe depression, and a heart attack. Not surprisingly, there were times when he longed for death.<sup>58</sup>

Physical maladies, then, have more than purely physical causes for Luther. On the one hand, the devil can be the sole cause; Luther regards some illnesses as "pure sorcery."<sup>59</sup> On the other hand, natural causes and *Anfechtungen* can both come into play: "I believe firmly that I don't have these headaches and stomach pains because I work too hard, although this contributes somewhat, but rather because of my thoughts in spiritual assaults. I think it is clear that I'm in a condition like David's, who as an old man couldn't be warmed by a maiden because he was so exhausted by his temptations and thoughts. . . . My temptation is this, that I think I don't have a gracious God."<sup>60</sup>

With Luther having established the Christian's mortality on the basis of the Christian's flesh or "old man," Luther's concept of *Anfechtungen* leads him to believe that the devil's last

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<sup>57</sup>Recorded by Veit Dietrich (Spring 1533), WA TR 1: no. 508; AE 54: no. 508.

<sup>58</sup>Brecht, *Martin Luther*, 2:429-433; 3:22-23, 229-235.

<sup>59</sup>Recorded by Conrad Cordatus (between February 12 and March 13, 1533), WA TR 3: no. 2982; AE 54: no. 2982.

<sup>60</sup>Recorded by Veit Dietrich (February 19, 1533), WA TR 1: no. 461; AE 54: no. 461.

and worst assaults on the Christian come at the hour of death. At death, the devil tries furiously to move the Christian to doubt God's mercies in Christ and to fall from grace. This was a common belief in Luther's day. Luther's own hymns anticipate this dreaded battle at the end, and beg God's mercy and support.

Thou highest Comfort in every need,  
Grant that neither shame nor death we heed,  
That e'en then our courage may never fail us  
When the Foe shall accuse and assail us.  
Lord, have mercy!<sup>61</sup>

Support us in our final strife  
And lead us out of death to life.<sup>62</sup>

**b. Christian Death as the Rule of God: *Theologia crucis* and the Hiddenness of the Life of Christ**

Despite the devil's tremendous power in his domain, despite the great havoc he can wreak, despite the dread assault he makes on the faithful at the time of death, Luther maintains that the devil is not in charge. He stands judged. Despite all appearances, God rules in Christ.

Though devils all the world should fill,  
All eager to devour us,  
We tremble not, we fear no ill,  
They shall not overpower us.  
This world's prince may still  
Scowl fierce as he will,  
He can harm us none,  
He's judged; the deed is done;

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<sup>61</sup>Stanza four of "We Now Implore God the Holy Ghost" (1524), WA 35:448; Polack, *Handbook to the Lutheran Hymnal*, 173 [no. 231].

<sup>62</sup>End of stanza three, "Lord, Keep Us Steadfast in Thy Word" (1541-1542?), WA 35:468; Polack, *Handbook to the Lutheran Hymnal*, 192 [no. 261].

One little word can fell him.<sup>63</sup>

According to Luther's *theologia crucis*, the acts of God, whereby he lifts up and saves, always have the opposite appearance. It is precisely where the devil appears to be all-powerful that God is ruling. It is where God appears to be condemning sinful humanity in wrath that he is actually saving humanity by his grace. His grace is always hidden under the cross, under the form of suffering. In Thesis 20 of his *Heidelberg Disputation* (1518), Luther captures this thought memorably: "He deserves to be called a theologian, however, who comprehends the visible and manifest things of God seen through suffering and the cross."<sup>64</sup>

The cross of Christ is for Luther the paradigm of God's rule. To all appearances, God killed and damned the crucified Christ in absolute wrath. In truth, however, God killed his Son so that he might raise him up and glorify him, and all humanity with him! Thus in killing his Son, God actually brought life abundantly. He killed his Son so that humanity might not die. In his *First Sermon at the Funeral of the Elector, Duke John of Saxony* (1532), Luther preaches that only Christ truly died: "We believe that Christ died. But of us he [St. Paul] says that we do not die, but only fall asleep. He calls our death not a death, but a sleep, and Christ's death he calls a real death. Thus he attributes to the death of Christ such exceeding power that by comparison we should consider our death a sleep."<sup>65</sup> While at the side of his

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<sup>63</sup>Stanza three of "A Mighty Fortress Is Our God (1527-1528?), WA 35:456-457; Polack, *Handbook to the Lutheran Hymnal*, 192 [no. 262].

<sup>64</sup>WA 1:362; AE 31:52.

<sup>65</sup>WA 36:237-270; AE 51:229-255, at 233-234. Luther's view is that, for the Christian, the word "death" most properly refers to the bold confession of the Christian faith in the face of hostile forces. In the same funeral sermon, Luther refers to Elector John's confession at Augsburg in 1530, saying, "There our beloved elector openly confessed Christ's death and resurrection before the whole world and he stuck to it, staking his land and people, indeed his own body and life, upon it. There can be no doubt that he felt this death and its

daughter Magdalene, who was dying in peaceful faith without tasting the bitterness of death, Luther comments that Christ died so that “he might taste death for every one.”<sup>66</sup>

This theology of the cross is driven by Luther’s understanding that fleshly self-righteousness and self-centeredness must be killed off before Christ can come and bring true life. On earth the new life in Christ with all of its blessings comes through faith; however, because the flesh, or “old man,” continues to seek ways to glory itself, the life of Christ must remain externally hidden under the form of suffering. The works of God must continue to appear meager, unattractive, and evil.<sup>67</sup> In fact, the flesh must finally die, which can only be accomplished by death in the body. Therefore, although it appears the devil is in control, bringing all kinds of trouble and even death to humanity, actually God is ruling, creating life by putting humanity to death. The efficient cause of the death of the Christian is not the devil, but God himself.

He gives His Word impressive power, frightens our conscience, and afflicts us with all kinds of troubles, so that our sinful old Adam becomes mellow and soft. Finally, by the time we die, our pride, trust, and confidence in our own efforts and knowledge are dead. Whoever can suffer and endure this and remain constant and persevere, and at the same time thank and praise God as one who sincerely means well, he it is who can sing this verse: “I thank Thee that Thou dost humble me.” He does not say: “The

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severity in his heart. . . . He suffered a far more bitter death at Augsburg than now, a death which we are still obliged to suffer daily and incessantly from the tyrants and sectarians, and, indeed, also from our own conscience and the devil. This is the real death. The other physical death, when we pass away in bed, is only a childish death [Kindersterben] or an animal death. The other, however, is the real, manly death, which still faces us, the death in which we would rather risk our neck, if this were possible, before we would deny the man who is called Jesus Christ.” AE 51:237-238.

<sup>66</sup>Recorded by Caspar Heydenreich (September 1542), WA TR 5: nos. 5493-5494; AE 54: nos. 5493-5494, at no. 5493.

<sup>67</sup>Thesis 4 of Luther’s *Heidelberg Disputation* (1518) is, “Although the works of God are always unattractive and appear evil, they are nevertheless really eternal merits.” WA 1:353-374; AE 31:39-70, at 44.

devil humbles me,” but “Thou, Thou, art the one. It is Thy gracious will for my good. Without Thy will the devil could not do it.”<sup>68</sup>

All things — especially those things which appear evil — actually serve the good of the Christian! Luther interprets the illnesses, weaknesses, and worries of this world as the context for faith in the goodness and power of God. The withering away of the body with old age becomes the time when the bread of earthly life no longer satisfies; “the days of this life of the righteous vanish, the bones dry up, etc. And therefore they place nothing in them but hope for something else from the Lord.”<sup>69</sup> The brevity of life becomes the motivation to seek not a mere extension of life, but “rather another life, which is eternal.”<sup>70</sup> The uncertainty of when and how one will die becomes the comfort of knowing that God alone sets the hour and means of death; therefore, “they [Christians] are not extremely fearful about death but die like children when it pleases God.”<sup>71</sup> Worry about death becomes peace in the knowledge that the Almighty is in charge. Writing to his concerned wife on February 7, 1546, eleven days before his own death, Luther offers words of peace to Katy, “Read John and the *Small Catechism*. . . . You prefer to worry about me instead of letting God worry, as if he were not almighty and could not create ten Doctor Martins, should the old one drown in the Saale, or burn in the oven, or perish in Wolfgang’s bird trap. . . . I have a caretaker who is better than

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<sup>68</sup>*Commentary on Psalm 118* (1530), WA 31-I:169-170; AE 14:94-95.

<sup>69</sup>Commenting on Psalm 102:4, “I am smitten as grass, and my heart is withered, because I forgot to eat my bread.” In *First Lectures on the Psalms* (1513-1515), WA 4:148-149; AE 11:297-298.

<sup>70</sup>Commenting on Psalm 90:10, “The days of our years in them are seventy years.” In *First Lectures on the Psalms* (1513-1515), WA 4:58-59; AE 11:203.

<sup>71</sup>Commenting on Ecclesiastes 3:2, “A time to be born, and a time to die.” In *Notes on Ecclesiastes* (1526), WA 20:60; AE 15:51.

you and all the angels; he lies in the cradle and rests on a virgin's bosom, and yet, nevertheless, he sits at the right hand of God, the almighty Father. Therefore be at peace. Amen."<sup>72</sup>

### c. Christian Death as Blessing

According to Luther, God even turns death itself into a good for the Christian.

This is not to say that death itself is an intrinsic good, something desirable in and of itself. Hardly. Those who do not hope in Christ, for whom death remains an unmitigated curse, show this to be the case. Luther begins his *Preface to the Burial Hymns* (1542) with this sobering thought: "It is little wonder if those are sad who have no hope. Nor can they be blamed for it. Since they are beyond the pale of faith in Christ, they must either cherish this temporal life as the only thing worthwhile and hate to lose it, or they must expect that after this life they will receive eternal death and the wrath of God in hell and must fear to go there."<sup>73</sup>

But beyond this, the case of Christians also shows death to be far from an intrinsic good. To demonstrate this from the sources, however, we must first address Luther's doctrine of the two kingdoms.

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<sup>72</sup>WA Br 11:287; AE 50:302. Katy's worries apparently continued. Three days later, Luther wrote Katy a similar letter. In it, he comments humorously, "Since the date that you [started to] worry about me, the fire in my quarters, right outside the door of my room, tried to devour me; and yesterday, no doubt because of the strength of your worries, a stone almost fell on my head and nearly squashed me as in a mouse trap. . . . I worry that if you do not stop worrying the earth will finally swallow us up and all the elements will chase us. Is this the way you learned the *Catechism* and the faith? Pray, and let God worry. You have certainly not been commanded to worry about me or about yourself. 'Cast your burden on the Lord, and he will sustain you.'" WA Br 11:291; AE 50:305-306.

<sup>73</sup>WA 35:478; AE 53:325-326.



For Luther, the Christian is not just spirit and flesh in the sense of “new man” and “old man.”<sup>74</sup> The Christian is also spirit and flesh in the sense of “inner man” and “outer man.” The “inner man” is the Christian living under God in the kingdom of the right, where God rules in the hearts of believers through the gospel. The “outer man” is the Christian living under God in the kingdom of the left, where God orders, guides, and sustains externally the lives of all people — chiefly through the authorities he places over them in family and government, but also through other human relationships. Within the kingdom of the right, all faith is in the Christ revealed in Scripture, for he alone saves. Within the kingdom of the left, all love, honor, and respect are due God’s representatives — especially parents and rulers — for through them God establishes external order, discipline, and support for humanity. In the final analysis, the kingdom of the left is for the sake of the kingdom of the right, establishing order so that the saving gospel of Christ might be preached freely.

Because Luther uses the spirit-flesh dichotomy in two different senses, one must be careful in using the sources to determine Luther’s intended meaning. Clearly the “new man-old man” dichotomy is not the same as the “inner man-outer man” dichotomy.

Returning to our discussion, we now turn to two significant Luther sources which show that for Christians also, death is far from an intrinsic good, and grief is proper. Luther begins his *First Sermon at the Funeral of the Elector, Duke John of Saxony* (1532) by declaring that “it is right and fitting, even godly, to mourn a good friend who has died.” Luther cites the words of St. Paul and the tears of Christ as proof. In the case of the death of the Christian ruler John the Steadfast, “we should sorrow over our beloved ruler according

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<sup>74</sup>See above, this chapter, in section C.4.a, “Christian Death as Fleshly Vulnerability,” 91-92 and note 54.

to the outer man.” God’s representatives within the kingdom of the left are to be loved and honored. Mourning the death of John reflects this love and honor, for it grieves the loss of a Christian friend and ruler through whom God has bestowed gracious gifts of order, discipline, and support. Nonetheless, Luther preaches that Christian grief over John in the “outer man” should not gain the upper hand over Christian joy in the “inner man.” “The Christian is one who is hurt but yet endures it in such a way that the spirit rules the flesh.”<sup>75</sup> Here Luther uses the spirit-flesh dichotomy in the “inner man-outer man” sense. As sad as John’s death in the body is, even happier is his victory in Christ through faith. Christ’s death and resurrection ensure John’s resurrection on the Last Day to life in heaven.

*Table Talk* also offers valuable insight here. At the deathbed of his daughter Magdalene, Luther, without denying the godliness of Christian grief, confesses his inability to keep grief in its place. “I’m angry with myself that I’m unable to rejoice from my heart and be thankful to God, though I do at times sing a little song and thank God.”<sup>76</sup> The depth of Luther’s grief is revealed in the account of Magdalene’s death.

When his daughter was in agony of death, he [Martin Luther] fell on his knees before the bed and, weeping bitterly, prayed that God might will to save her. Thus she gave up the ghost in the arms of her father. Her mother was in the same room, but farther from the bed on account of her grief. It was after the ninth hour on the Wednesday after the Fifteenth Sunday after Trinity in the year 1542.<sup>77</sup>

Clearly then, Luther does not hold Christian death to be an intrinsic good. Christian

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<sup>75</sup>WA 36:237-270; AE 51:229-255, at 232, 243, 233.

<sup>76</sup>Recorded by Caspar Heydenreich (September 1542), WA TR 5: no. 5494; AE 54: no. 5494.

<sup>77</sup>Recorded by Caspar Heydenreich (September 20, 1542), WA TR 5: no. 5496; AE 54: no. 5496. In the end, Luther’s “inner man” did rule the day. Heydenreich records, “When his dead daughter was placed in a coffin, he [Martin Luther] said, ‘You dear little Lena! How well it has turned out for you!’” WA TR 5: no. 5498; AE 54: no. 5498.

death can never be good in and of itself for it is proper and godly to grieve the death of a Christian.

Nonetheless, Luther does conceive of Christian death as a good, or blessing, in an important sense. For Luther, Christian death is an instrumental good, something which serves as a means to bring about what is intrinsically good. Christian death brings about tremendous blessings. The death of the Christian leads to the eradication of sin within the Christian, the liberation of the Christian from every evil and affliction, a deep and sweet sleep, a perfect body at the resurrection, a wonderful reunion with the faithfully departed, and the joys of everlasting life in heaven, all for Christ's sake. To apply Aristotle's doctrine of causation, the final cause (the purpose or end) of Christian death is blessedness.

First, Christian death eradicates sin. For Luther, God creates life by killing. Because the Christian on earth is both "new man" and "old man," *simul justus et peccator*, God must destroy the sinful flesh so that he can perfect the Christian. While commenting on the work of the Holy Spirit, Luther rejoices that one day "our flesh will be destroyed and buried with all its uncleanness."<sup>78</sup>

Second, Christian death liberates the Christian from evil. Christian death brings the blessing of freedom from the afflictions of this world. In the *First Funeral Sermon* (1531-1535?) of his *Hauspostille*, Luther describes death as God's answer to the Christian's daily prayer, "Deliver us from evil."

This is certain: when Christians die, nothing evil happens to them. When they fall asleep and depart this life, finally the blessed little hour has come, for which they have

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<sup>78</sup>LC (1529) 2.57, Trigl 692-693. This is also true of baptism for Luther. Although baptism is actual death and resurrection in Christ, its blessing is completed through dying, on account of the sinful flesh. *The Babylonian Captivity of the Church* (1520), WA 6:497-573; AE 36:11-126, at 68.

prayed every day of their life, with the words, "Deliver us from evil." This cannot happen unless we depart from this world in the name of Jesus Christ. Then we will really be taken away from all evil and, in the end, we will be raised to eternal life together with all Christians through Christ.

... here on earth there can be nothing but displeasure and harm. We daily experience this particularly in our homes, among our most closely related and dearest friends. First this, and then that, is lacking. First this person gets sick, then someone else is injured. Those who have died are elevated above all such things.<sup>79</sup>

Third, Christian death brings the believer a wonderful sleep. Luther decries the medieval Roman Catholic tradition which characterizes cemeteries as places of sorrow. For Luther, cemeteries are "dormitories." When Christians visit there, they should sing "comforting hymns of the forgiveness of sins, *of rest, sleep*, life, and of the resurrection." From these graves, Christians will eventually rise back up, with imperishable and spiritual bodies. Luther urges, "We Christians . . . should by faith train and accustom ourselves to despise death and to regard it as a deep, strong, and sweet sleep, to regard the coffin as nothing but paradise and the bosom of our Lord Christ, and the grave as nothing but a soft couch or sofa, which it really is in the sight of God; for he says, John 11 [:11], 'Our friend Lazarus has fallen asleep,' and Matthew 9 [:24], 'The girl is not dead but sleeping.'"<sup>80</sup>

Fourth, Christian death leads to the resurrection, or revivification, of the Christian in a new and perfected body. Luther describes how this will happen in his *Second Sermon at the Funeral of the Elector, Duke John of Saxony* (1532). With the sinful flesh already destroyed, God will send forth his archangel, who will speak by the command and power of the Lord Christ, and the dead shall be raised. Based on 1 Corinthians 15, Luther pictures the resurrected body as "far more beautiful and glorious than it ever was before. . . . It will be

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<sup>79</sup>StL 13a:1329-1330 (§ 19-20).

<sup>80</sup>*Preface to the Burial Hymns* (1542), WA 35:478; AE 53:326. Emphasis mine.

raised again in honor and in a glorious form, just as a seed which is cast into the ground must decay and become nothing, but when summer comes it comes forth again with beautiful blades and ears of corn.”<sup>81</sup> Christians “will come forth gloriously, and arise to entire and perfect holiness in a new eternal life.”<sup>82</sup>

Fifth, Christian death leads to the joyful reunion of all the faithful in heaven. Luther directs believers to take comfort in this reunion which follows the resurrection. “Then we will come together again, and find those who were loved by us on earth. We will become one household, with the beloved angels and the holy patriarchs, prophets, and apostles, and have all joy in God. In such joy, we will thank and praise him eternally.”<sup>83</sup>

Finally, Christian death leads to heaven itself. There the faithful will enjoy everlasting life with God, in perfect righteousness and holiness. Based on the redeeming work of Christ, Luther is absolutely certain of this supreme blessing. With Magdalene approaching death, Luther comforts Katy, “Think where she’s going.”<sup>84</sup> Later, at Magdalene’s funeral, Luther replies to those offering condolences, “You should be pleased! I’ve sent a saint to heaven.”<sup>85</sup> For Luther, the blessing of heaven for Christ’s sake is as certain as death itself. “I will die, and after such withering away, I will be saved eternally through Christ. . . . That I will die and be saved I know for certain — praise God! — and neither the devil nor the gates of hell shall

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<sup>81</sup>WA 36:237-270; AE 51:229-255, at 254-255.

<sup>82</sup>LC (1529) 2.57, Trigl 692-693.

<sup>83</sup>*Die erste Leichenpredigt* (1531-1535?), StL 13a:1329 (§ 19).

<sup>84</sup>Recorded by Caspar Heydenreich (September 1542), WA TR 5: no. 5491; AE 54: no. 5491.

<sup>85</sup>*Ibid.*, no. 5499.

take this from me; for Christ is a Savior. He paid for my sins, reconciled me to God, overcame death, and opened the entrance to life.”<sup>86</sup>

With such great blessings attending Christian death, Luther can exhibit a lively exuberance about death. One of Luther’s favorite stories from the lives of the saints was that of St. Agnes, who was led away to prison, tortured, and then martyred for her Christian faith. In his *Last Sermon, Preached in Eisleben* (1546), Luther retells the story: while being led away to death, St. Agnes felt as if she were being led “to a *dance*.” Death is not to be feared, for Christ promises, “I will give you the heart to *laugh* even though Turk, pope, emperor, and everybody else be filled with horrible wrath and rage.” For Luther, the victory over death is already realized, wherever there is faith in Christ. “Let misfortune, sin, death, and whatever the devil and the world loads upon you assail and assault you, if only you remain confident and undismayed, waiting upon the Lord in faith, *you have already won, you have already escaped death* and far surpassed the devil and the world.”<sup>87</sup> Thus Luther writes:

In peace and joy I now depart  
Since God so wills it.  
Serene and confident my heart;  
Stillness fills it.  
For God promised death would be  
No more than quiet slumber.

This is what you have done for me,  
My faithful Savior.  
In you, Lord, I was made to see  
All God’s favor.  
I now know you as my life,

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<sup>86</sup>*Die andere Leichenpredigt* (1531-1535?), StL 13a:1349 (§ 22).

<sup>87</sup>WA 51:194; AE 51:392. Emphases mine.

**d. Preparation for a Blessed Death**

Luther begins the first of his *Invocavit Sermons* (March 9, 1522) with the solemn words, "The summons of death comes to us all, and no one can die for another. . . . Every one must himself know and be armed with the chief things which concern a Christian."<sup>89</sup>

In advising others on how to prepare for a blessed death, Luther's focus is Christological. This is clear from *A Sermon on Preparing to Die* (1519), in which Luther specifically addresses this topic.<sup>90</sup> To prepare well for death means not only that the process of dying will be peaceful, but also that death itself will be an instrumental good, leading to the blessings of the resurrection and the life everlasting in Christ.

Luther begins by admitting that some "temporal" and "spiritual" preparation is needed. One's earthly possessions must be regulated, lest arguing break out among the survivors. Also, one ought to forgive others and to seek others' forgiveness. Such acts, however, are not yet the beginning of personal preparation for death.<sup>91</sup>

Personal preparation begins when one turns one's eyes to God, to whom the journey of death leads. Luther likens this journey to an infant's birth in three ways. First, "the gate is quite narrow." Second, "the path is not long." Third, the narrowness of the gate deceives

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<sup>88</sup>Stanzas one and two, "Myt frid und freud ich far do hyn" (1524), WA 35:438-439; Precht, *Lutheran Worship: Hymnal Companion*, 202 [no. 185]. I have changed the translation of the last line to reflect better the original, "und heyl ynn nott und sterben."

<sup>89</sup>WA-III:1-64; AE 51:70-100, at 70.

<sup>90</sup>WA 2:685-697; AE 42:99-115.

<sup>91</sup>*Ibid.*, AE 42:99.

one into thinking of “this life as expansive and the life beyond as confined.” Personal preparation begins as one prays for true faith to make such a journey in peace and joy. One ought to pray one’s “whole life long for true faith in the last hour, as we sing so very fittingly on the day of Pentecost, ‘Now let us pray to the Holy Spirit for the true faith of all things the most, that in our last moments he may befriend us, and as home we go, he may tend us.’”<sup>92</sup>

One must also familiarize oneself with death, sin, and hell one’s whole life long. Luther advises: meditate on death for it will come, on sins for they do condemn, and on hell for it is eternal torture and punishment. Throughout life, “we should constantly have our eyes fixed on the image of death, sin, and hell — as we read in Psalm 51 [:3], ‘My sin is ever before me.’” This is the time to invite death into our presence, “when it is still at a distance.” When death draws near, however, no one ought to look at the images of death, sin, and hell, for “they will prove too strong for him.” At death, the devil will attack the conscience, accusing it of a lifetime of sins, filling it with a dread of death and a concern for life, and arousing thoughts of God’s wrath in hell.<sup>93</sup>

For Luther, the only hope for a blessed death is to abandon these deadly images, both during life but especially as death approaches. One must turn one’s gaze away from one’s own death, sin, and hell, and focus on Christ. Only Christ has conquered these damning images with yet more powerful and saving images. Luther asks the question, “And when did Christ do this?” He answers:

On the cross! There he prepared himself as a threefold picture for us, to be held before the eyes of our faith against the three evil pictures with which the evil spirit and

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<sup>92</sup>Ibid., AE 42:99-100, 114. The text for Luther’s “Nu bitten wyr den heyligen geyst” (1524) is at WA 35:447-448; AE 53:264.

<sup>93</sup>WA 2:685-697; AE 42:99-115, at 101-103.



our nature would assail us to rob us of this faith. He is the living and immortal image against death, which he suffered, yet by his resurrection from the dead he vanquished death in his life. He is the image of the grace of God against sin, which he assumed, and yet overcame by his perfect obedience. He is the heavenly image, the one who was forsaken by God as damned, yet he conquered hell through his omnipotent love, thereby proving that he is the dearest Son, who gives this to us all if we but believe.<sup>94</sup>

In the third stanza of his shorter Easter hymn, "Jesus Christ, Our Savior True" (1524), Luther depicts in pithy verse the image of this Christ who can help every dying sinner.

Death and sin, and life and grace,  
All in his hands he has.  
He can deliver  
All who seek the life-giver.  
Kyrieleison.<sup>95</sup>

This is the image to which every Christian must turn. This is the image which grants a blessed death. It makes dying peaceful, instead of terrifying, and turns death into an instrumental good, leading to the blessings of the eternal life.

For Luther, the sacraments are a vital part of preparing for such a blessed death. Luther goes so far as to say that "whoever does not highly value the Sacrament [the Lord's Supper] thereby shows that he has no sin, no flesh, no devil, no world, no death, no danger, no hell."<sup>96</sup> This is because nothing less than "*the forgiveness of sin*, etc. [the resurrection of the body, and the life everlasting], are by the Word embodied in this Sacrament and presented to us."<sup>97</sup> Throughout life, and at death if God gives the time, one ought to receive the

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<sup>94</sup>Ibid., AE 42:106-107.

<sup>95</sup>WA 35:445; AE 53:259.

<sup>96</sup>SC (1529) Pref.23, Trigl 536-537.

<sup>97</sup>LC (1529) 5.32, Trigl 758-759. *Italics original.*

sacraments, “believing that all will be as the sacraments promise.”<sup>98</sup> “In the sacraments your God, Christ himself, deals, speaks, and works with you through the priest. His are not the works and words of man. In the sacraments God himself grants you all the blessings we just mentioned in connection with Christ. God wants the sacraments to be a sign and testimony that Christ’s life has taken your death, his obedience your sin, his love your hell, upon themselves and overcome them.”<sup>99</sup>

To sum it up, the key element of human preparation for a blessed death, according to Luther, is to realize that in Christ God himself has already done everything necessary to ensure a blessed death:

What more should God do to persuade you to accept death willingly and not to dread but to overcome it? In Christ he offers you the image of life, of grace, and of salvation so that you may not be horrified by the images of sin, death, and hell. Furthermore, he lays your sin, your death, and your hell on his dearest Son, vanquishes them, and renders them harmless for you. In addition, he lets the trials of sin, death, and hell that come to you also assail his Son and teaches you how to preserve yourself in the midst of these and how to make them harmless and bearable. And to relieve you of all doubt, he grants you a sure sign, namely, the holy sacraments. He commands his angels, all saints, all creatures to join him in watching over you, to be concerned about your soul, and to receive it. He commands you to ask him for this and to be assured of fulfilment. What more can or should he do?

From this you can see that he is a true God and that he performs great, right, and divine works for you.<sup>100</sup>

It is significant that Luther retained this understanding of a blessed death down to his own death, as the eyewitnesses Justus Jonas and Michael Cölius report.<sup>101</sup> On February 17,

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<sup>98</sup>WA 2:685-697; AE 42:99-115, at 111.

<sup>99</sup>Ibid., AE 42:108.

<sup>100</sup>Ibid., AE 42:114.

<sup>101</sup>*Bericht vom christlichen Abschied aus diesem tödlichen Leben des ehrwürdigen herrn D. Martini Lutheri* (1546), WA 54:478-496.

1546, Luther suffered marked weakness during the day and severe chest pains that night. Luther expected to die and committed his soul into the hands of God using Psalm 31:5<sup>102</sup> and then fell asleep. After waking very early on the morning of February 18 with more pain, Luther broke out into what he called “a cold death sweat.” Sensing that his time was near, he prayed with a confidence grounded in Christ, confessing that not even death could rip him out of the Father’s hands.

O my heavenly Father, God and Father of our Lord Jesus Christ, God of all comfort, I thank you that you have revealed your beloved Son Jesus Christ to me. In him I have believed, him I have known and proclaimed, him I have loved and praised, whom the accursed pope and all godless people persecute and blaspheme. I beg you, my Lord Jesus Christ, accept my poor soul. O heavenly Father, although I must leave this body and be ripped away out of this life, I know this with certainty, that I remain with you eternally and that no one can rip me out of your hands.<sup>103</sup>

This same confidence Luther then voiced by speaking John 3:16<sup>104</sup> and Psalm 68:20.<sup>105</sup> After repeating Psalm 31:5 three times rapidly, he fell silent. When attempts to awaken Luther failed, Jonas and Cölius called out loudly to Luther, asking, “Reverend father, are you ready to die, standing firm in Christ and in the doctrine you have preached?” Luther’s audible and clear answer was, “Yes!” This “Yes!” — a yes to Christ as the triumph of life over death — was Luther’s last word. Jonas and Cölius record that he then “fell asleep peacefully and gently in the Lord.”<sup>106</sup> Blessed death had come.

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<sup>102</sup>“Father, into your hand I commend my spirit. You have redeemed me, O God of truth.”

<sup>103</sup>WA 54:491.

<sup>104</sup>“For God so loved the world, that he gave his only begotten Son, that whoever believes in him will not perish but have everlasting life.”

<sup>105</sup>“Our God is a God of salvation, and to GOD the Lord belong escapes from death.”

<sup>106</sup>WA 54:492.

## **D. Evaluation**

As a theological construal of the problem of life and death, how might Luther's doctrine apply within the context of bioethics? What difference, if any, does Luther's theological and not philosophical method make in addressing the problem? Does his understanding of life-as-blessing and death-as-blessing contribute conceptually to the discussion which takes seriously the dehumanization within biotechnology-as-intrinsic-good and arbitrary human valuation? If so, what are the implications for moral discernment and direction in the bioethical issues which cluster at both ends of the spectrum of life?

We begin by synthesizing Luther's line of argument.

### **1. Line of Argument**

Luther's argument runs as follows:

Life is an intrinsic good, given by God as a blessing to humanity. God actively creates and preserves biological life together with spiritual life. With biological life, humanity receives breathe, health, and strength. With spiritual life, humanity receives the righteousness and holiness of faith toward God (kingdom of the right), in the context of bodily life supported by family, friends, and government (kingdom of the left).

Death entered into life unnaturally as a curse, the result and penalty of sin. Death as curse radically changed life. Brevity, weakness, sickness, and grief came to dominate earthly existence. Disobedience, deception, fear, and hate subverted spiritual life. Death arose, leading to the punishment of body and soul in hell.

It is only in Christ that humanity has been rescued from this predicament of mortality. Through his incarnation, passion, and resurrection, Christ overcame death, sin, and hell with

his own life, righteousness, and heaven as the Son of God. In Christ, God established the triumph of life over death.

For those who trust in this Christ, life has again become an intrinsic good and death has become an instrumental good. The “new man” by faith receives the fullness of Christ’s victory now; he possesses perfect forgiveness, life, and salvation. Although the presence of the Christian’s “old man” still necessitates death — and this death brings fitting grief to the “outer man” — the *theologia crucis* has transformed the nature of suffering and death for the Christian. Illness and weakness build faith in the goodness and power of God. Christian death leads to absolute blessedness: sin is obliterated, affliction is overcome, sweet sleep is granted, a perfected body is raised, a heavenly reunion is celebrated, and eternal life is begun. Thus Christians give thanks for life in Christ, but also accept and even rejoice in their weaknesses and death as instrumental blessings.

For those who have not received Christ’s victory through faith, death remains a curse. Life continues, but retains a tragic character under the sway of sin and death. Spiritually, fear and sadness dominate. Biologically, brevity and weakness of life frustrate. Ultimately, death and hell devastate. Thus those outside of Christ either consider life on earth to be all there is and hate to have it degraded or ended, or they admit to more after this life and fear the wrath of God.

Luther’s argument, as summarized here, is an outstanding example of how the theological method differs from the philosophical in construing the problem of life and death. The philosophical method attempts to address the problem by applying critical reason to well-defined categories which it intends as universally accessible to human experience. The theological method attempts to address the problem by subordinating such categories to one

(or more) higher category derived from special revelation. For example, the philosophical method tends to speak of life itself (or death itself) as intrinsic good, or as instrumental good, or as rational process, or as irrational process, or as communicative process, or in terms of will, desire, pleasure, happiness, or some other category thought to be accessible to the experience of all humanity. Within the philosophical discussion, life (or death), in terms of its defining category, takes on monolithic proportions, providing unity of structure to the critical argument.

Using the theological method, Luther can treat neither life nor death as a monolith. He is unable to establish a category derived from universal human experience which brings unity of structure to the problem of life and death. Certainly within the context of history, Luther does speak of life as intrinsic good, of death as curse, and of life as triumph over death; Luther holds to the historicity of the creation, the fall, and the atonement, as well as to the objectivity of their continued effects. But within the context of universal human experience, life and death cannot be characterized in terms of a single category. This is because of Luther's theological method. For Luther, the reality of life and death are subordinate to the reality of Christ, who is revealed in Scripture alone. The discussion of life and death as blessing or curse, as intrinsic or instrumental good, is existentially meaningless without the prior discussion of Christ. Where Christ has been received as a blessing, through faith worked by the gospel, his victory over death has been appropriated; life is enjoyed as an intrinsic good and death is transformed into an instrumental good. Where Christ has not yet become a blessing, where there is no faith in him, his victory has not been appropriated; death retains its character as curse, and life is so affected that even it takes on the character of curse. For Luther, the bottom line is that life and death cannot be categorized objectively

outside of one's experience of Christ.

## **2. Moral Discernment within Bioethics**

To restate the above argument in terms of ethics, for Luther, any principles which might establish certain actions as morally virtuous would also necessarily be subordinate to Christ. In Christ, through faith, morally virtuous actions are possible only because Christ's victory has conquered the individuals's sin and death. Outside of Christ, without faith, no morally virtuous actions are possible, for sin and death still rule the individual. Even if the actions themselves might appear to be morally virtuous, they would still be works of death, done out of fear, compulsion, or hatred.

Luther's thought suggests a structure of moral analysis consisting of two principles which, for Christians alone, establish action as morally virtuous: actions which result from regarding life as a blessing intrinsically, or actions which result from regarding death as a blessing instrumentally, are morally virtuous. For Luther, this structure of moral analysis is called gospel, and it presupposes faith.<sup>107</sup> To hold that life is a blessing intrinsically, one must believe that God the Father is the Creator and Preserver of life.<sup>108</sup> To hold that death is a

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<sup>107</sup>In theological terms, this structure of moral analysis is Luther's gospel, and the two principles within this structure correspond roughly to the First and Second Articles of the Creed. This correspondence might suggest that a more thorough development of this model, based on Luther's thought, would entail a third principle. Such a third principle might pertain to spiritual life and correspond to the Third Article of the Creed. Perhaps, but perhaps not. Throughout this thesis, our treatment of life-as-blessing has not bifurcated life physically and spiritually. We have attempted to emphasize the relatedness of the physical and the spiritual. In this sense, then, the third principle is already imbedded in the two principles set forth. This seems curiously appropriate, for within Christian theology the movement and work of the Spirit is always hidden, completing on the inside what has already been willed (by the Father) and accomplished (by the Son) on the outside. *Opera divina ad extra sunt indivisa.*

<sup>108</sup>See above, this chapter, section C.1, "Life as Intrinsic Good," 80-81, and note 23.

blessing instrumentally, one must believe that God the Son is the Redeemer and Conqueror of death.<sup>109</sup>

The principle of life-as-blessing, which regards God as the Creator and Preserver of life, applies directly to bioethics. According to Luther, God creates and sustains life. Life is not the product of human power, capability, or ingenuity; neither is life subject to termination based on an autonomous, human will. Life is to be received as the gracious and good gift of God the Father, regardless of appearances.<sup>110</sup> Thus Luther's principle of life-as-blessing protects against the dehumanization inherent in biotechnology-as-intrinsic-good, which would regard the human as biotechnological product.<sup>111</sup> This principle also protects against the dehumanization inherent in the arbitrary human valuation of life, which would justify the termination of human life in cases where specified levels of human capability or achievement are not present.<sup>112</sup> Practically, Luther's principle of life-as-blessing would suggest that Christians condemn certain medical procedures, like cloning and in vitro fertilization/embryo transfer on the one hand, and intentional abortion and euthanasia on the other. For Luther, the former would deny trust in God as the Creator of life. The latter would deny trust in God as the Preserver of life, in the context where the goodness of such life appears hidden.

Luther's principle of death-as-blessing, which regards Christ as the Redeemer and

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<sup>109</sup>See above, this chapter, section C.3, "Christ as the Triumph of Life over Death: Through Word and Sacrament," 87-90.

<sup>110</sup>On Luther's *theologia crucis*, see above, this chapter, section C.4.b, "Christian Death as the Rule of God," 94-98.

<sup>111</sup>See above, chapter two, section A.3, "Biotechnology as a Dehumanizing Force," 11-18.

<sup>112</sup>See above, chapter two, section B.3.b, "Arbitrary Valuation of Human Life as a Dehumanizing Force: Destruction of Human Life," 43-45.



Conqueror of death, also applies directly to bioethics. Christian death is an instrumental good. Because Christ has overcome death by his own death and resurrection, death has lost its character as threat and curse for the Christian. Granted, the Christian recognizes the losses of the "outer man" in death; still, the Christian approaches death willingly and even joyfully. Death is to be received as God's means for strengthening faith and bringing the Christian to the absolute blessings of the resurrection and everlasting life. This principle thus protects against the dehumanization inherent in biotechnology-as-intrinsic-good, which would regard death as a sheer evil to be overcome by biotechnology.<sup>113</sup> Practically, Luther's principle of death-as-blessing would suggest that Christians condemn medical procedures aimed at circumventing death, or delaying it indefinitely. For Luther, such procedures would deny trust in Christ as the one and only Redeemer and Conqueror of death.

It is significant that Luther asserts *both* principles of life-as-blessing and death-as-blessing. We have argued that failure to hold both concepts simultaneously inevitably tilts the bioethical scales in favor of either biotechnological ideology or arbitrary human valuation.<sup>114</sup>

As an example of the importance of maintaining both principles, we return to the case study used in chapter two to evaluate the position of Hans Jonas. Consider the case of a sixty year old Mr. Smith suffering from multiple sclerosis. Although there is presently no known cure for his condition, Mr. Smith can hypothetically choose to: (1) suffer an extremely painful, experimental treatment, (2) wait in cryogenic sleep, hoping that a cure might eventually be found, (3) take active measures to end his painful life, or (4) live out his life until death comes.

First, Luther's principle of death-as-blessing can help Mr. Smith in struggling with the

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<sup>113</sup>See above, chapter two, section A.3.c, "Devaluation of Human Death," 17-18.

<sup>114</sup>See chapter two, in section D, "Life and Death as Blessing," 48.

forces of biotechnological ideology, the proponents of options 1 or 2. It would be helpful to Mr. Smith, whom we now consider as a Christian, to know that death need not be feared or fought at any cost. Even of greater comfort for Mr. Smith would be to know that God would use death to bring him to the enjoyment of a perfect body in the righteousness and holiness of heaven.

Second, Luther's principle of life-as-blessing can help Mr. Smith with the forces of arbitrary human valuation, the proponents of option 3. It would be helpful to Mr. Smith to know, in the midst of his increasing pain and dependence on others, that God is the Creator and Preserver of all life, that diminished capability or increased pain and dependence do not render a life worthless, that God mysteriously uses suffering and death to make a person stronger through a living faith in him, that God wills to preserve life until *he* decides to take those who are his out of sin and death and into eternal life.

Luther's principles of death-as-blessing and life-as-blessing afford Mr. Smith great spiritual and psychological — if not numerical — freedom in choosing a medical course of action. Granted, faith in Christ the Conqueror of death would rule out option 2, and faith in God the Father as Creator and Preserver of life would rule out option 3. Nonetheless, Mr. Smith may approach his available options without compulsion, dread, or fear, and in the confidence and joy of Christ's triumph in the midst of suffering and death.

But what of the non-Christian? As we noted at the outset, Luther's ethical principles of life-as-blessing and death-as-blessing are subordinated under Christ-as-blessing in Luther's theological method and, so, apply only to Christians. Does Luther suggest no structure of moral analysis for the unbeliever?

Hardly. For Luther, the applicable structure of moral analysis is the law of God.

Luther conceives of this law as a moral code, present naturally in every human conscience, unavoidably in the laws of society, but most clearly in the Ten Commandments. Because the individual can to a degree ignore and shape the conscience and because states can codify bad laws, the purest expression of God's law is God's own expression — the Ten Commandments. For Luther, theology establishes the purpose, or final cause, of this law. Theologically, God's law functions negatively, setting stringent requirements for sinful humanity to obey. The purpose of this moral code is to kill off self-righteousness and prepare the way for saving faith in Christ.<sup>115</sup> Where such faith is lacking, God's law continues to work negatively, making demands and threats.

Ethically, God's law is the structure of moral analysis that applies for unbelievers. This law is a moral code, establishing the grounds for moral approval and condemnation. Specifically, the prohibitions of God's law delineate actions which are morally vicious for the unbeliever. However, it would be too much for Luther to say that this law also delineates actions which are morally virtuous for the unbeliever. For Luther, truly virtuous actions require faith on the inside, and are demonstrations of that faith on the outside. In other words, for Luther there is for the unbeliever who complies externally with God's Law a level of nominal moral approval that simply does not rise to the level of true moral virtue. The most that can be said is that God's law delineates actions which are morally virtuous, when such actions are done out of faith.<sup>116</sup>

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<sup>115</sup>This is Luther's theological use of the law, which is the same as Lutheran orthodoxy's second use of the law. See above, this chapter, in section C.3.c, "Christ as the Triumph of Life over Death: Through Word and Sacrament," 88.

<sup>116</sup>This is the case when the Christian, through faith, performs actions in accord with God's law. See below, 119-121, on the law's validity for the Christian with respect to the "old man."

As the basis for moral approval and condemnation, this law from God functions in two ways. It functions reflectively, enabling moral reflection and analysis, leading to moral decision-making and action.<sup>117</sup> It also functions coercively, by way of the conscience and the laws of the state,<sup>118</sup> attempting to compel actions which comply externally with the requirements of the moral code.

We now return to the example of Mr. Smith suffering from multiple sclerosis, but this time consider him as a non-Christian from Luther's ethical perspective. Options 2 and 3 would be proscribed, but the basis for condemnation would change. Option 2 would not be rejected because it violates faith in the Christ who conquers death. Option 3 would not be ruled out because it denies faith in God as the Creator and Preserver of life. Mr. Smith has no such faith. Instead, the law of God would be morally valid for Mr. Smith. Reflectively, it would lead him into moral analysis. Coercively, it would aim at compelling him to reject options 2 and 3.

Regarding option 2, the commandment, "Thou shalt have no other gods before me!" would most likely for Luther imply a rejection of cryogenics as an attempt to make oneself into a god with power over death. Luther would envision the content of this commandment as providing a foundation for commendable moral reasoning. In terms of internal coercion,

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<sup>117</sup>This first ethical function of the law is part of what Luther calls his theological use of the law. In the final analysis, it reveals sin. See note 115.

<sup>118</sup>This second ethical function of the law is what Luther calls the civic use of the law, and what Lutheran orthodoxy calls the first use of the law.

Because Luther conceives of the kingdom of the left as establishing law, order, and support for the sake of the kingdom of the right and its proclamation of the gospel, Luther holds that the state ought to enact laws that generally mirror the second table of the Ten Commandments. Luther would have expected bioethical counselors, had such existed in his day, to function as agents of the kingdom of the left and to offer advice in keeping with the Ten Commandments. Luther did not live in the pluralistic, postmodern world.

God's law would aim at afflicting Mr. Smith's conscience with grave moral reservations about cryogenics, although the actual basis in God's law for such qualms might go undetected. In terms of external coercion, because Luther's state has an interest in instilling fear of God's judgment in its citizenry for the sake of preparing the way for saving faith, the state would enact laws to prohibit any attempted cryogenic end-run around death.

Regarding option 3, the commandment, "Thou shalt not murder!" would forbid all forms of euthanasia or suicide. The content of this commandment would form the basis for proper moral analysis. Internally, the conscience would seek to dissuade Mr. Smith from seeking active measures to end his life. Externally, the laws of the state would reinforce any weakness in the conscience by making such active measures illegal.

From Luther's ethical perspective, a comparison of Smith-with-faith to Smith-without-faith is illuminating as each comes to grips with his bioethical options. In terms of similarities, each undertakes genuine moral analysis and decision-making. Also, the actions taken in each case ought to end up being the same. Nonetheless, there is a decisive difference. Smith-with-faith operates with the principles of life-as-blessing and death-as-blessing, and is able to perform morally virtuous acts in a context of ethical freedom. Smith-without-faith operates under God's law as a set of prohibitions, and is able at best to refrain from morally vicious acts and perform acts deserving of nominal moral approval, within a context of ethical coercion.

The above decisive difference notwithstanding, Luther would also allow that at times a comparison of Smith-with-faith to Smith-without-faith would yield one more striking

similarity. For Luther, the Christian is both “new man” of faith and “old man” of sin.<sup>119</sup> Within the context of Luther’s *theologia crucis*, this anthropology means that God will attack and kill off the “old man,” with its sin and self-righteousness, in order to save.<sup>120</sup> This killing occurs both externally, through sickness and dying, and internally, through attacks in the conscience. From this perspective, God’s law continues to be valid for Christians with respect to their sinful nature or “old man.” Because the “old man” can and does deceive Christians, leading them away from the faith-based structure of moral analysis which is properly theirs, God’s law comes into play ethically as a clear and certain secondary structure of moral analysis. Both the reflective and the coercive ethical functions apply in much the same way as to unbelievers. Reflectively, the moral content of God’s law provides a basis for commendable moral analysis and decision-making. Coercively, by way of the conscience and external laws, this moral code seeks to force compliance by prohibition and threat.

Thus in the case of Smith-with-faith, there is actually a Smith-without-faith, the “old man,” hidden within. Indeed, Mr. Smith’s “old man” might weigh in quite heavily in favor of option 3. It might be Mr. Smith’s reflection on the commandment, “Thou shalt not murder!” which becomes decisive for his moral reflection and decision-making. It might be the attacks within his conscience that end up stopping him from following his “old man.” Even here, however, there is an important difference for Luther between Smith-with-faith and Smith-without-faith. Smith-with-faith, with respect to his faith, *willingly* reflects on God’s

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<sup>119</sup>See above, this chapter, in section C.4.a, “Christian Death as Fleshly Vulnerability,” 91-92.

<sup>120</sup>See above, this chapter, in section C.4.b, “Christian Death as the Rule of God,” 95-97.

law and *willingly* obeys it, for he knows that his "old man" is always a threat.<sup>121</sup> Granted, he may need to be coerced into obedience with respect to his "old man." But the overriding reality, according to Luther's view, is that even in the midst of such temptation, even when the Christian succumbs to such temptation, the Christian qua Christian is not subject to God's law. Christ has already conquered all death, sin, and hell for the Christian, and the Christian has received this victory.<sup>122</sup>

### 3. Summary

Martin Luther's doctrine of life and death brings significant moral insight to the bioethical discussion which takes seriously the dehumanization inherent in biotechnology-as-intrinsic-good and arbitrary valuation of human life. Deviating from philosophical method, Luther does not attempt to establish a category derived from universal human experience to bring unity of discussion to the problem of life and death. Instead, Luther construes the problem theologically, within the western Christian tradition, subordinating the realities of life and death to the reality of the Christ revealed in Scripture. For Luther, life and death cannot be said to be blessing or curse, or intrinsically or instrumentally good, apart from one's experience of Christ, who alone has made life to triumph over death. Where Christ has been received as a blessing through faith, there life has become intrinsically good, and death instrumentally good. Where Christ has not been received as a blessing, there death remains

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<sup>121</sup>This is what some within Lutheran orthodoxy have called the third use of the law.

<sup>122</sup>For Luther, this victory is a present reality by faith, but not necessarily by sight or sensory experience. The *theologia crucis* means that there will be times when the Christian feels the wrath of God in his or her conscience and body. Faith views this experience, however, as God's way of killing in order to make alive.

a curse, and even life comes to take on the character of curse.

Based on his theological construal, Luther establishes two related structures of moral analysis, each of which offers a basis for bioethical reflection, decision, and action. The first structure is called gospel. It concerns those who have received Christ's victory over death through faith. This structure determines morally virtuous actions: actions which result from regarding life as a blessing intrinsically, or death as a blessing instrumentally, are morally virtuous. Such actions presuppose faith in God the Father as Creator and Preserver of life, and in the Christ as the Redeemer and Conqueror of death. The second structure concerns those who have not received Christ's victory over death through faith. This structure is God's law. It establishes grounds, in terms of external compliance and disobedience, for granting certain actions nominal moral approval and condemning other actions as morally vicious. Under this structure, two commandments in particular are helpful in resolving bioethical questions at both ends of the spectrum of life: (1) Do not terminate life ("Thou shalt not murder!"), and (2) Do not attempt to make yourself into a god with power over death ("Thou shalt have no other gods before me!").

Finally, it is significant that these two structures of moral analysis — gospel and law — come together in the creaturely life of those who have received Christ's victory through faith. Luther's *theologia crucis* brings both moral structures into play in a practical way. Within these two structures of moral analysis, Luther's thought offers powerful ammunition to fight dehumanizing elements within the forces of biotechnology and arbitrary human valuation.



## CHAPTER V

### CONCLUSION

Two elements often assumed to be part of modern medical care — use of biotechnology and a high regard for personal autonomy — are not necessarily benign. Use of technology and concepts of autonomy have tended to expand and take on a life of their own. Where use of technology has engendered regard for biotechnology as an intrinsic good, and where concepts of autonomy have evolved into the arbitrary valuation of human life, bioethical issues have become increasingly problematic. The forces of biotechnology-as-intrinsic-good and arbitrary human valuation have clouded moral judgment and exercised a profoundly dehumanizing influence on individuals involved on all sides of tough, bioethical decisions. Not only this, but the problem of such moral fog and dehumanization has been radically compounded by the fact that the ideological forces of biotechnology and arbitrary human valuation tend to pull humanity in opposite directions. Biotechnology is oriented toward *extending*, arbitrary human valuation toward *shortening or terminating*, life in its generation and duration.

I have argued that the bioethical perspective that regards life as a blessing and death as a blessing protects against the dehumanization operative within the forces of biotechnology and arbitrary human valuation. Life must be considered as more than biotechnological fabrication or human capability; life-as-blessing considers life as a gift, to be received as a good. Death must be considered as more than biotechnological challenge or mere inevitability; death-as-blessing considers death as a gift, also to be received as a good. These

two concepts, when affirmed simultaneously, embrace the fullness of the human condition — uniqueness, relatedness, life, and death — in a supportive and positive way. They offer moral discernment and direction for those wrestling with hard medical options. On the generation end of life, regard for life as a blessing counteracts the dehumanization operative within biotechnology and arbitrary human valuation. On the duration end of life, regard for death as a blessing beats back the dehumanization of biotechnological ideology, and regard for life as a blessing wards off the dehumanization of arbitrary human valuation. Failure to hold simultaneously the concepts of life-as-blessing and death-as-blessing inevitably tilts the moral scales in favor of either biotechnology-as-intrinsic-good or arbitrary human valuation.

This thesis would be strengthened through a more detailed investigation of technology and autonomy. Specifically, humanity's use of technology and postmodern society's high regard for autonomy need to be examined more critically, especially regarding the propensity of each to grow into a living, oppressive force. A more thorough analysis of the work of Hans Jonas and Lewis Mumford, on the one hand, and of Hannah Arendt and Alasdair MacIntyre, on the other, would prove quite helpful in developing the critique of technology and autonomy.

This thesis also needs to be applied more broadly by engaging additional formulations of life-as-blessing and death-as-blessing. As we have noted above, Hans Jonas's philosophical construal of the problem of life and death establishes a unity of structure under the category of mortality as burden and blessing. Jonas's particular understanding of death-as-blessing precludes his development of a concept of life per se as blessing. An examination of the thought of Gabriel Marcel would provide an important alternative philosophical construal, and a balance to the Jonas chapter. Marcel's understanding of the world of ontological mystery,

of the nature of incarnation, and of the bond between ontology and ethics would offer fertile ground for the application of this thesis and produce fruitful bioethical insight into the concept of life-as-blessing.

The theological construal presented here, in the work of Martin Luther, affirms simultaneously the concepts of life-as-blessing and death-as-blessing, and provides a moral vision which protects against the dehumanization of both biotechnological ideology and arbitrary human valuation. Nonetheless, the Luther chapter also requires a balance, or at least a contextualization. Luther assumes a political and social context largely supportive of his structures of moral analysis, but such is not the case in the postmodern pluralism of the United States of America. An examination of the thought of Reinhold Niebuhr would provide an important alternative theological construal, for Niebuhr wrote with the *purpose* of stimulating political and social change within a world of competing and contradictory moral allegiances. A study of his understanding of the essential freedom of humanity and the goodness of creation, on the one hand, and of the actualization of sin and the abuse of power, on the other, ought to contribute substantially to the bioethical discussion of what it means to affirm life and death as blessings.

This is an important discussion. Those who sit at the table, to listen and to talk, are asked to think again about technology and autonomy . . . to approach the use of biotechnology and a high regard for personal autonomy with caution and concern . . . to consider the moral clarity, direction, and protection which arise when both life and death are regarded as blessings. It is my hope that this thesis will encourage such discussion among bioethical counselors, clergy, clinical and research ethicists, medical professionals, professors, students, and all those who must wrestle with bioethical issues.

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